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MANUAL
OF THE
GENERAL ACTS OF PARLIAMENT
RELATING TO THE
SALMON FISHERIES OF SCOTLAND
FROM 1828 TO 1882

BY
J. BARKER DUNCAN, W.S.

WILLIAM BLACKWOOD AND SONS
EDINBURGH AND LONDON

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PREFACE.

THE present Manual is prepared after the model of Mr Spencer Walpole's Manual of the Laws of the English Salmon Fisheries, and Mr Thos. F. Brady's Digest of Acts of Parliament relating to the Irish Fisheries.

Its object is to provide—more especially for the use of proprietors, members and clerks of fishery boards, water-bailiffs, anglers, and others interested in fisheries—a means of easy reference to the provisions of the modern General Statutes relating to Salmon Fisheries in Scotland.

The modern General Statutes commence with the Act of 1828, known as Home Drummond's Act, and the last of the series is the Fishery Board Act of 1882. In the body of the Manual the sections of the Acts have been arranged under appropriate headings, so as to present in consecutive order the various clauses which relate to each subject, and enable immediate reference to the Acts themselves, which have been printed at length in the Appendix. The copious Index at the end will further facilitate reference. Any explanatory notes which have been thought necessary, will be found within brackets, and in slightly shortened lines. In both the Manual and Appendix the portions of the Acts which have been repealed or altered have been printed in italics. The rubrics at the heads of paragraphs have, in many instances, been made more descriptive than those of the corresponding sections of the Acts.

Short notes of decided cases in the Court of Session and Court of

Justiciary, bearing on the construction of the Acts and procedure, have been given as a concluding chapter of the Manual.

The very numerous older Acts of the Scottish Parliament relating to Salmon Fishing do not stand repealed, although for the most part they may be held to be superseded by the modern legislation. Occasions where it may be necessary to refer to these Acts can therefore occur but rarely, and as to have embraced them in the Manual would have unduly increased its size, they have not been printed. A Table of them, however, has been given in the Appendix, with references to the small three-vol. edition of the Scots Acts and the larger and more comprehensive edition known as Thomson's Acts.

For the same reason, the modern Special or Local Acts applicable to the Tweed, the Tay, the Solway Firth, the Annan, and the Esk, could not well be included in the Manual, but a Table of these also has been given in the Appendix.

The insertion in the Appendix of the two Scottish Fresh-Water Fisheries Acts of 1845 and 1860 will be found a convenience by many.

And to make the Manual as generally useful as possible, there have also been included in the Appendix—a Table of the Salmon-fishing Seasons for Net and Rod, as altered to date; a Table of those Salmon Districts which have Boards, with the names of Chairmen and Clerks; the present constitution of the Fishery Board for Scotland; a list of Official Reports relating to the Salmon Fisheries of Scotland; Circular Letter by the Commissioners of Scotch Salmon Fisheries to Clerks of District Boards; and Circular Letter by the Fishery Board to Secretaries of Yacht Clubs.

It remains to acknowledge helpful suggestions from various sources; and, in particular, kind assistance in preparation from Mr William Traquair, S.S.C., who has also furnished the Table of the old Scottish Acts.

EDINBURGH, *April* 1886.

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MANUAL.

I.—ACTS—PREAMBLES—SHORT TITLES—COMMENCEMENT OF ACTS—INTERPRETATION OF TERMS—CONSTRUCTION —EXTENT AND APPLICATION—PARTS REPEALED.

1. 9 GEORGE IV. c. 39.—*An Act for the preservation of the salmon fisheries in Scotland.*—[15th July 1828.]

(1.) *Preamble.*—Whereas by an Act passed in the Parliament of Scotland in the year one thousand four hundred and twenty-four, it was forbidden that any salmon be slain from the Feast of the Assumption of our Lady until the Feast of Saint Andrew in winter : And whereas sundry other laws and Acts were made and passed at divers times by the Parliament of Scotland anent the killing of salmon, kipper, red and black fish, in forbidden time, and the killing and destroying of the fry and smolts of salmon ; which laws and acts were ratified, confirmed, and approved by an Act passed by the said Parliament in the year one thousand six hundred and ninety-six, intituled “Act against 1424, c. 35.
Killers of Black Fish, and Destroyers of the Fry and Smolts of Salmon” : And whereas it is expedient, for the preservation of the salmon fisheries in Scotland, that the penalties enacted by the said Acts should be augmented, and the period of the for- 1696, c. 33.

bidden time altered and extended, and that sundry other regulations should be made.

(2.) *Extent and application of Act.*—Nothing in this Act contained shall extend or be construed to extend to England, Ireland, Wales, or Berwick-upon-Tweed, or to the fisheries in the river Tweed, or in any of the streams and waters that run into or communicate therewith, or to the fisheries in the arm of the sea between the county of Cumberland and the counties of Dumfries and Wigtown and the Stewartry of Kirkcudbright, or the fisheries in the several streams and waters which run into or communicate with the said arm of the sea. (§ 14.)

(3.) *Parts repealed.*—Section 1, from “the said Act” to “repealed; and that.” Also sections 2, 4, 5, 6, and 8. (Statute Law Revision Act, 36 & 37 Vict. c. 91.)

2. 7 & 8 VICTORIA, c. 95.—*An Act to amend an Act of the ninth year of King George the Fourth, for the preservation of the salmon fisheries in Scotland.*—[9th August 1844.]

Preamble.—Whereas an Act was passed in the ninth year of the reign of His Majesty King George the Fourth, intituled, 9 G. 4. c. 39. “An Act for the Preservation of the Salmon Fisheries in Scotland”: And whereas it is expedient to prevent the destruction of salmon, or fish of the salmon kind, in the sea or shores thereof: And whereas doubts are entertained of the provisions of the said Act being applicable to the sea or sea-shore.

Construction.—(a) The regulations as to the recovery and application of penalties and the apprehension of offenders, and all other enactments and provisions of the said recited Act (9 Geo. IV. c. 39), shall extend and apply to what is hereinabove enacted, and this Act shall be construed and applied in the same manner and in all respects as if it had formed part of the said recited Act. (§ 2.)

(b) Provided also that the words “the said recited Act,” contained in the 2d section of the last-mentioned Act (7 & 8 Vict. c. 95), shall be read and construed as if they meant and included this Act and the Acts recited therein. (§ 25, 31 & 32 Vict. c. 123.)

3. 25 & 26 VICTORIA, c. 97.—*An Act to regulate and amend the law respecting the salmon fisheries of Scotland.*—[7th August 1862.]

(1.) *Preamble.*—Whereas it is expedient that the Acts relating to the salmon fisheries in Scotland should be amended, and that further provision should be made for the regulation of fisheries, the removal of obstructions, and the prevention of illegal fishing.

(2.) *Short title.*—This Act may be cited for all purposes as “The Salmon Fisheries (Scotland) Act, 1862.” (§ 1.)

(3.) *Commencement of Act.*—The enactments and provisions of this Act with respect to the appointment, powers, and duties of the Commissioners, and the election, powers, and duties of district boards, shall come into operation and take effect from and after the passing of this Act, and all the other enactments and provisions of this Act shall come into operation and take effect from and after the 1st day of January 1863. (§ 3.)

(4.) *Interpretation of terms.*—The following words and expressions in this Act shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context:

“Commissioners” shall mean the Commissioners appointed and acting under the authority of this Act for the time being:

“Clerk” shall mean the clerk to be appointed by any district board:

“Sheriff” shall mean the sheriff of the county in Scotland of which he is sheriff, and shall include sheriff’s substitute:

“Justice” or “justices” shall mean any justice or justices of the peace acting for the county, city, or burgh where the matter requiring the cognisance of such justice or justices shall arise:

“Secretary of State” shall mean one of Her Majesty’s Principal Secretaries of State:

[By the Secretary for Scotland Act, 1885, all powers and duties vested in or imposed on one of Her Majesty’s Principal Secretaries of State by the Acts 25 & 26 Vict. c. 97, 27 & 28 Vict. c. 118, and 31 & 32 Vict. c. 123, are trans-

ferred to and vested in and imposed on the Secretary for Scotland.]

“Proprietor” or “proprietors” shall mean and include any person, company, or corporation who is the proprietor of a salmon fishery, or who receives or is entitled to receive the rents of such fishery on his or their own account, or as trustee, guardian, or factor for any person, company, or corporation, and shall also include Her Majesty in right of Her Crown:

“Byelaw” and “byelaws” shall include all rules, orders, and regulations made by the Commissioners under the authority of this Act:

“Salmon” shall mean and include salmon, grilse, sea trout, bull trout, smolts, parr, and other migratory fish of the salmon kind:

“Fisheries” and “fishery” shall mean salmon fisheries and a salmon fishery in any river or estuary or in the sea:

“River” shall include tributaries and any lake from or through which any river flows:

“Valuation roll” shall mean the valuation roll in force for the time for any county, and each of the royal burghs therein, made up under the authority of the Public General Act seventeenth and eighteenth Victoria, chapter ninety-one, or any other Act relating to the valuation of lands and heritages in Scotland which may be in force for the time. (§ 2.)

(5.) *Construction.*—The thirty-third section of the recited Act (25 & 26 Vict. c. 97) shall be read and construed as if the words “Public General Act twenty-fourth and twenty-fifth Victoria, chapter 109” had been inserted therein instead of the words “said Act.” (§ 3, 26 & 27 Vict. c. 50.)

(6.) *Extent and application of Act.*—No part of this Act, with the exception of the tenth, twelfth, and twenty-seventh clauses, shall apply to the river Tweed, or to any fisheries in the said river or the mouth or entrance thereof, as defined by “The Tweed Fisheries Amendment Act, 1859”; and any penalties incurred under the said tenth, twelfth, and twenty-seventh

clauses of this Act shall, so far as concerns the river Tweed, be recoverable in manner prescribed by the Tweed Fisheries Amendment Act, 1857, which Act and the Tweed Fisheries Amendment Act, 1859, shall remain in full force and effect, anything herein contained to the contrary notwithstanding. (§ 34.)

(7.) *Parts repealed.*—(a) Sections eleven and twelve of the first-recited Act (25 & 26 Vict. c. 97) are hereby repealed, and in place thereof it is enacted, &c. (§§ 15 & 18, 31 & 32 Vict. c. 123.)

(b) The thirteenth section of the first-recited Act (25 & 26 Vict. c. 97) shall hereafter be read and construed as if the words “or who shall discharge into any river sawdust” therein contained were struck out of the section. (§ 16, 31 & 32 Vict. c. 123.)

(c) The provision in the eighteenth section of the recited Act (25 & 26 Vict. c. 97), that “the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix,” is hereby repealed. (§ 2, 26 & 27 Vict. c. 50.)

(d) So much of the twenty-second section of “The Salmon Fisheries (Scotland) Act, 1862” (25 & 26 Vict. c. 97), as confers on district boards the power “to make and alter from time to time regulations for the preservation of the fisheries in the district,” and the twenty-fifth section of said Act, are hereby repealed. (§ 42, 31 & 32 Vict. c. 123.)

4. 26 VICTORIA, c. 10.—*An Act for prohibiting the exportation of salmon at certain times.*—[20th April 1863.]

(1.) *Preamble.*—Whereas the sale of salmon within the United Kingdom is prohibited at various times; that is to say, if caught in England within the limits of “The Salmon Fishery Act, 1861,” is prohibited between the third day of September and the second day of February; if caught in any fishery district in Ireland, is prohibited during such time as the capture of salmon is prohibited in that district; if caught in Scotland within the limits of “The Salmon Fisheries (Scotland) Act, 1862,” is prohibited between the commencement of the latest and the termination of the earliest annual close time fixed for any

24 & 25 Vict.
c. 119.

25 & 26 Vict.
c. 97.

22 & 23 Vict.
c. 70.

district; if caught in the river Tweed, as defined by "The Tweed Fisheries Amendment Act, 1859," is prohibited between the fourteenth day of September and the fifteenth day of February: and whereas the capture or possession of foul or unseasonable salmon within the limits of the United Kingdom is prohibited at all times: and whereas the provisions of the said Acts are evaded by the exportation for sale in France and other foreign countries of salmon that cannot legally be sold within the limits of the United Kingdom.

(2.) *Short title.*—This Act may be cited for all purposes as "The Salmon Acts Amendment Act, 1863." (§ 1.)

(3.) *Construction.*—(a) No part of the United Kingdom, however situated with regard to any other part, shall be deemed for the purposes of this Act to be parts beyond seas. (§ 2.)

(b) From and after the commencement of this Act, the said third section of "The Salmon Acts Amendment Act, 1863," shall be read and construed as if the words "second day of February" were omitted therefrom, and the words "thirtieth day of April" were inserted instead of the said omitted words. (§ 3, 33 & 34 Vict. c. 33.)

(4.) *Extent and application.*—[This being a British Act, it is applicable to the United Kingdom.]

5. 26 & 27 VICTORIA, c. 50.—*An Act to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the 1st day of January 1865, and to amend the said Act.*—[13th July 1863.]

25 & 26 Vict.
c. 97.

Preamble.—Whereas an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, intituled "An Act to regulate and amend the law respecting the Salmon Fisheries of Scotland"; and in the sixteenth section thereof it is enacted that "the Commissioners shall, on or before the 1st day of January 1864," determine certain matters by byelaws, and report the same to the Secretary of State; and it is expedient that the time so limited should be extended, and that the said Act should be amended.

6. 27 & 28 VICTORIA, c. 118.—*An Act to amend the Acts relating to salmon fisheries in Scotland.*—[29th July 1864.]

(1.) *Preamble.*—Whereas an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, intituled “An Act to regulate and amend the law respecting the Salmon Fisheries of Scotland”; and another Act was passed in the twenty-sixth and twenty-seventh years of the reign of Her Majesty Queen Victoria, intituled “An Act to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January one thousand eight hundred and sixty-five, and to amend the said Act”: And whereas by the first-recited Act provision was made for determining by byelaws certain matters on or before the 1st day of January 1863, and certain other matters on or before the 1st day of January 1864, and for reporting the same to the Secretary of State; and by the second-recited Act the time for determining and reporting on certain of such matters was continued till the 1st day of January 1865; and it is expedient that the times so limited should be extended, and that the said two recited Acts should be amended. 25 & 26 Vict.
c. 97.

(2.) *Construction.*—This Act shall be read and construed along with the recited Acts as if the same formed one Act. (§ 5.) 26 & 27 Vict.
c. 50.

7. 31 & 32 VICTORIA, c. 123.—*An Act to amend the law relating to salmon fisheries in Scotland.*—[31st July 1868.]

(1.) *Preamble.*—Whereas an Act was passed in the twenty-fifth and twenty-sixth years of Her present Majesty, chapter ninety-seven, intituled “An Act to regulate and amend the law respecting the Salmon Fisheries of Scotland”; and another Act was passed in the twenty-sixth and twenty-seventh years of Her present Majesty, chapter fifty, intituled “An Act to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January one thousand eight hundred and sixty-five, and to amend the said Act”; and another Act was passed in the twenty-seventh and twenty-eighth years of Her present Majesty, chapter one hundred and eighteen, intituled “An Act to amend the Acts relating to Salmon 25 & 26 Vict.
c. 97.

26 & 27 Vict.
c. 50.

27 & 28 Vict.
c. 118.

Fisheries in Scotland"; and it is expedient that the recited Acts should be amended, and further provision made with respect to Salmon Fisheries in Scotland.

(2.) *Short title.*—This Act may be cited for all purposes as "The Salmon Fisheries (Scotland) Act, 1868." (§ 1.)

(3.) *Construction of Act.*—The recited Acts and this Act shall be read and construed together as one Act. (§ 2.)

(4.) *Extent and application of Act.*—This Act shall not extend to England or Ireland; and no part of this Act except the 13th, 18th, 20th, and 33d sections thereof shall apply to the river Tweed, as defined by the Tweed Fisheries Act, 1859. (§ 41.)

8. 33 & 34 VICTORIA, c. 33.—An Act to amend the Acts relating to the export of unseasonable salmon.—[1st August 1870.]

(1.) *Preamble.*—Whereas by the third section of "The Salmon Acts Amendment Act, 1863," it is amongst other things provided that "the burden of proving that any salmon entered for exportation from any part of the United Kingdom to parts beyond the seas between the third day of September and the second day of February following is not so entered in contravention of the said Act shall lie on the person entering the same for exportation:"

And whereas it is expedient to make further provision for preventing the exportation of salmon that cannot legally be sold within the limits of the United Kingdom:

(2.) *Short title.*—This Act may be cited for all purposes as "The Salmon Acts Amendment Act, 1870." (§ 1.)

(3.) *Commencement of Act.*—This Act shall not come into operation before the third day of September one thousand eight hundred and seventy, which day is hereinafter referred to as "the commencement of this Act." (§ 2.)

(4.) *Construction.*—The sixty-fifth section of "The Salmon Fishery Act, 1865," shall be read and construed as if the words "second day of February" were omitted therefrom and the words "thirtieth day of April" were inserted instead of the said omitted words.

(5.) *Extent and application.*—[This being a British Act, it is applicable to the United Kingdom.]

9. 45 & 46 VICTORIA, c. 78.—*An Act to establish a Fishery Board for Scotland.*—[18th August 1882.]

(1.) *Preamble.*—Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

(2.) *Short title.*—This Act may be cited as the Fishery Board (Scotland) Act, 1882. (§ 1.)

(3.) *Interpretation of terms.*—In this Act—

The expression "Herring Fishery Acts" shall mean the Acts mentioned in the First Schedule.

The expression "Salmon Fishery Acts" shall mean the Acts mentioned in the Second Schedule. (§ 2.)

(4.) *Extent and application.*—This Act shall not apply to the Tweed as defined by the Tweed Fisheries Amendment Act, 1859. (§ 7.)

II.—THE FISHERY BOARD.

10. Establishment and constitution of Board, &c.—A Fishery Board shall be established for Scotland.

(1.) The Board shall consist of the following members:—the sheriffs of three sherriffdoms, who shall be appointed by Her Majesty, and shall hold office during their tenure of the office of sheriff.

Six members, to be appointed by Her Majesty, who shall hold office for five years, and may be reappointed.

(2.) It shall be lawful to Her Majesty to nominate one member of the Board to be chairman and another to be deputy chairman. The chairman shall receive such salary as the Commissioners of Her Majesty's Treasury may assign. Three members shall be a quorum.

(3.) There shall be a secretary to the Board, who shall be appointed by Her Majesty, and shall receive such salary as the Commissioners of Her Majesty's Treasury may assign.

- (4.) The office of the Board shall be in Edinburgh, and the Board shall appoint such clerks and officers, and at such salaries, as may be sanctioned by the Commissioners of Her Majesty's Treasury.
- (5.) The first meeting of the Board shall be on the sixteenth day of October one thousand eight hundred and eighty-two. (§ 4, 45 & 46 Vict. c. 78.)

11. *Powers and Duties.*—(1.) The Fishery Board shall have all the powers and duties conferred upon the present Board of British White Herring Fishery by the Herring Fishery Acts and the Sea Fishery Acts, 1868 and 1875, and any order in Council following thereon, except the duty of making an annual report to the Board of Trustees for Manufactures, and the power of appointing a secretary; and shall take cognisance of everything relating to the coast and deep sea fisheries of Scotland, and take such measures for their improvement as the funds under their administration and not otherwise appropriated may admit of, but without interfering with any existing public authority or private right.

(2.) The Fishery Board shall have the general superintendence of the salmon fisheries of Scotland, and shall have the powers and duties of Commissioners under the Salmon Fishery Acts, but without prejudice to or interference with the powers of district boards.

(3.) The Fishery Board shall comply with any instructions which may be issued by Her Majesty's Principal Secretary of State for the Home Department, and shall make an annual report to him containing a statistical account of the fisheries, and suggestions for their regulation and improvement, which report shall be presented to Parliament. (§ 5, 45 & 46 Vict. c. 78.)

[By the Secretary for Scotland Act, 1885, all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Act 45 & 46 Victoria, c. 78, are transferred to and vested in and imposed on the Secretary for Scotland.]

12. *Inspector of Salmon Fisheries—appointment and duties.*—It shall be lawful to Her Majesty's Principal Secretary of State for the Home Department to appoint an inspector of the salmon

fisheries of Scotland, who shall hold office during pleasure, and to pay to him such salary as may be determined by the Commissioners of Her Majesty's Treasury.

The inspector shall under the directions of the Fishery Board inspect all the salmon fisheries of Scotland, and inquire into the operation of the Salmon Fishery Acts, and report thereon from time to time to the Board, and shall attend the meetings of the Board when summoned by the chairman. (§ 6, 45 & 46 Vict. c. 78.)

13. *Expense of Board how defrayed.*—All salaries and expenses of the Fishery Board shall be defrayed from moneys to be provided by Parliament. (§ 8, 45 & 46 Vict. c. 78.)

III.—DISTRICTS.

14. *Each river, &c., to be a district.*—Each river in Scotland flowing into the sea, and every tributary stream or lake flowing into or connected with such river, and the mouth or estuary of such river, and the sea-coasts adjoining thereto, divided into such portions as may be fixed and defined by the Commissioners under the authority of this Act, shall form a district for the purposes of this Act. (§ 4, 25 & 26 Vict. c. 97).

[The districts as fixed and determined by the Commissioners will be found in their Byelaw, forming Schedule (A.) annexed to the Act 31 & 32 Vict. c. 123. See Appendix, p. 99.]

IV.—COMMISSIONERS—POWERS—BYELAWS.

15. *Appointment of Commissioners, duration of office, &c.*—It shall be lawful for the Secretary of State to appoint three Commissioners for the purposes of this Act, who shall be paid at such rate, not exceeding £3 per day each, as the Commissioners of the Treasury may direct, the whole amount to be received by each Commissioner not exceeding £350 per annum, over and above such travelling expenses as the Commissioners of the Treasury may sanction: Provided that the duration of the office of such

Commissioners shall in no case extend beyond three years. (§ 5, 25 & 26, Vict. c. 97.)

16. Powers and duties.—The Commissioners shall have the powers and perform the duties hereinafter specified ; that is to say—

- (1.) To fix and define, for the purposes of this Act and the other Acts relating to salmon and salmon fisheries in Scotland, the natural limits which divide each river in Scotland (including the estuary thereof) from the sea, in so far as the same may not be already fixed by statute or by judicial decision :

[For Byelaw issued by Commissioners under this power, see Schedule (B), 31 & 32 Vict. c. 123. Appendix, p. 134.]

- (2.) To fix, for the purposes of this Act, the limits of the Solway Firth, having regard to an Act passed in the forty-fourth year of the reign of His Majesty King George the Third, chapter forty-five :

[For Byelaw, see Schedule (B), *ut supra*, p. 147.]

- (3.) To fix, for the purposes of this Act, the limits of every district, and the portions of the sea-coast adjoining to the mouth or estuary of any river to be included in such district :

[For Byelaw, see Schedule (A), same Act, p. 99.]

- (4.) To fix, for the purposes of this Act, a point on each river (including the estuary thereof) below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors :

[For Byelaw, see Schedule (A), same Act, p. 99.]

- (5.) To determine, subject to the provisions of this Act, at what dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take salmon with the rod and line : Provided that the number of days during which such annual close time shall continue shall be the same as regards every district :

[For Byelaw, see Schedule (C), same Act, p. 147.]

- (6.) To make general regulations with respect to the following matters ; viz.—

The due observance of the weekly close time :

[For Byelaw, see Schedule (D), same Act, p. 154.]

The construction and use of cruives :

[For Byelaw, see Schedule (F), same Act, p. 161.]

The construction and alteration of mill dams or lades, or water wheels, so as to afford a reasonable means for the passage of salmon :

[For Byelaw, see Schedule (G), same Act, p. 162.]

The meshes of nets (so that they shall not intercept smolts or salmon fry) :

[For Byelaw, see Schedule (E), same Act, p. 157.]

Obstructions in rivers or estuaries to the passage of salmon :

Provided that such regulations shall not interfere with any rights held at the time of the passing of this Act under royal grant or charter, or possessed for time immemorial. (§ 6, 25 & 26 Vict. c. 97.)

17. *To visit and report on rivers, &c.*—The Commissioners shall visit and report on the several rivers and estuaries and salmon fisheries in Scotland, after notice duly given by special advertisement in some newspaper of general circulation in the district, not less than ten days before any such visitation, to the proprietors of salmon fishings on each of such rivers or estuaries, of their intention so to visit and report.—(§ 14, 25 & 26 Vict. c. 97.)

18. *To make byelaws, fixing limits of districts, and divisions between upper and lower proprietors, &c.*—The Commissioners shall, on or before the 1st day of January 1863, fix and determine by byelaws the matters specified in the third and fourth subdivisions of the sixth section of this Act ; and a copy of such byelaws applicable to each district shall be, prior to the said date, transmitted by post to the sheriff-clerk of each county, in so far as the same may relate to a district or part of a district situate therein ; and the sheriff-clerk shall, on receipt of such copy, give notice of such byelaws by advertisement inserted once for each of two succes-

sive weeks in some newspaper published in such county, or, if no newspaper be published therein, in some newspaper published in a county adjoining thereto; and every person whose interests may be affected by any such byelaws may state to the Secretary of State any objections to any such byelaw; and the Secretary of State shall, after one month after the date of such byelaws, approve or alter or disapprove of the same; and every such byelaw, when approved of or altered by the Secretary of State, shall be published in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: Provided that in the case of such districts in which, by reason of their inconsiderable size, it may seem to the Commissioners unnecessary to determine such matters, they may defer doing so until required by more than six proprietors of fisheries within the same, after the limits of such district have been defined, as hereinafter provided, and shall proceed, in other respects, as above provided. (§ 15, 25 & 26 Vict. c. 97.)

The Commissioners shall, on or before the 1st day of January 1864, determine the other matters specified in the sixth section of this Act, by byelaws under their hands, or the hand of any two of them, and shall report the same to the Secretary of State; provided that previously to making such byelaws they shall communicate the same to the district board, and afford the board reasonable opportunity of making any representation to the Commissioners respecting the same; and a copy of such byelaws shall be transmitted to the sheriff-clerk of each county, in so far as the same may relate to any district situated therein; and the sheriff-clerk shall, on the receipt of such copy, give notice of such byelaws by advertisement inserted once for each of two successive weeks in some newspaper published in such county, or, if no newspaper be published therein, in some newspaper published in a county adjoining thereto; and every person whose interests may be affected by any such byelaws may state to the Secretary of State any objections to any such byelaw; and the Secretary of State shall, after two months and within four months after the date of such byelaws, approve or alter

or disapprove of the same; and every such byelaw, when approved of or altered by the Secretary of State, shall be published in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned. (§ 16, 25 & 26 Vict. c. 97.)

19. *To take evidence where necessary.*—The Commissioners, in execution of this Act, shall take such evidence as they may find to be necessary, and in the event of witnesses refusing to attend and give evidence, or to allow access to documents, they may apply to the sheriff of the county for a warrant to cite witnesses and havers, and the sheriff is hereby authorised to grant the same. (§ 17, 25 & 26 Vict. c. 97.)

20. *Extension of time for making certain byelaws.*—The said Commissioners shall determine the said matters specified in the said sixteenth section (of the Act 25 & 26 Vict. c. 97), by byelaws under their hands, or the hands of any two of them, and shall report the same to the Secretary of State, on or before the 1st day of January 1865. (§ 1, 26 & 27 Vict. c. 50.)

The said Commissioners shall and may, on or before the 1st day of January 1866, determine the matters specified and referred to in the sixth, fifteenth, and sixteenth sections of the first-recited Act (25 & 26 Vict. c. 97), and the first section of the second-recited Act (26 & 27 Vict. c. 50), respectively, by byelaws under their hands or the hands of any two of them, in manner prescribed by the first-recited Act, and the whole enactments and provisions of the first-recited Act with respect to the transmission, publication, and confirmation of byelaws shall be applicable to the byelaws to be made by the said Commissioners during the period above specified. (§ 1, 27 & 28 Vict. c. 118.)

[The Act 25 & 26 Vict. c. 97, and amending Acts, 26 & 27 Vict. c. 50, and 27 & 28 Vict. c. 118, are continued as to powers of Commissioners, &c., to 31st December 1882, by the Expiring Laws Continuance Acts of the year 1866, and of the various years from 1868 downward to 1881; and by the Act 45 & 46 Vict. c. 78, the Fishery Board is vested with the powers and

duties of Commissioners under the Salmon Fishery Acts. See *ante*, par. 11.]

21. *Power to extend the limits of the mouth of the river Tweed.*—It shall be lawful for the said Commissioners, on or before the 1st day of January 1864, by a byelaw under their hands or the hands of any two of them, to be made, published, and approved in the manner provided in the fifteenth section of the recited Act (25 & 26 Vict. c. 97), to extend the limits of the mouth or entrance of the river Tweed northwards from the limits thereof as defined in "The Tweed Fisheries Amendment Act, 1859," along the sea-coast and into the sea to such points and to such extent as they may fix; and from and after the publication of such byelaw in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, the enactments and provisions of "The Tweed Fisheries Act, 1857" (with the exception of the fifty-fifth and sixtieth sections), and of "The Tweed Fisheries Amendment Act, 1859," and the tenth, twelfth, and twenty-seventh sections of the recited Act (25 & 26 Vict. c. 97), shall be applicable to and may be enforced within such extended limits in the same manner and to the same effect as if such extended limits had been included in the mouth or entrance of the river Tweed as defined in "The Tweed Fisheries Amendment Act, 1859": Provided that the rates or assessments to be levied on and in respect of the fisheries beyond the limits of the mouth of the river Tweed as defined in "The Tweed Fisheries Amendment Act, 1859," and within the limits as extended under any such byelaw as aforesaid, shall not be applied in or towards the payment or discharge of any debts or obligations contracted by the Commissioners acting under "The Tweed Fisheries Act, 1857," previous to the passing of this Act. (§ 4, 26 & 27 Vict. c. 50.)

[For Byelaw issued by Commissioners under this power, see Schedule (A), 31 & 32 Vict. c. 123, Appendix, p. 134.]

22. *Secretary of State empowered to confirm byelaws notwithstanding prescribed period elapsed.*—It shall be lawful for the Home Secretary to confirm any byelaws made under the provisions of the recited Acts (25 & 26 Vict. c. 97, and 26 & 27

Vict. c. 50), notwithstanding the period therein prescribed for such confirmation may have elapsed at any period prior to the 1st day of January 1865. (§ 2, 27 & 28 Vict. c. 118.)

23. Byelaw constituting a district may on requisition be re-issued.—In any case where a district board has not been constituted, under the provisions of the first-recited Act (25 & 26 Vict. c. 97), previous to the passing of this Act, the Commissioners may, on the requisition of any proprietor of salmon fisheries within such district, re-issue a byelaw constituting the district; and the Commissioners, sheriff, and sheriff-clerk shall thereupon take all the proceedings prescribed by the first-recited Act with respect to the formation of district boards; and such boards, when so formed, shall have all the powers and authorities conferred on or competent to any district board under the recited Acts (25 & 26 Vict. c. 97 and 26 & 27 Vict. c. 50) or either of them. (§ 3, 27 & 28 Vict. c. 118.)

24. Byelaws where no district board formed may be made.—And whereas by the sixteenth section of the first-recited Act (25 & 26 Vict. c. 97) it is provided, that, previously to making byelaws, the Commissioners shall communicate the same to the district board, and afford the board reasonable opportunity of making any representation to the Commissioners regarding the same: Be it enacted, That the Commissioners may, in all cases in which no district board has been formed, make byelaws in regard to the whole matters and things specified and referred to in the sixth and sixteenth sections of the first-recited Act (25 & 26 Vict. c. 97); and, on compliance with the whole other provisions of the said sixteenth section, the Secretary of State may approve, alter, or disapprove of such byelaws, and the same, as altered or approved of by him, shall be as legal and binding on all concerned as if they had been previously communicated to a district board. (§ 4, 27 & 28 Vict. c. 118.)

25. Byelaws contained in schedules annexed to the Act 31 & 32 Vict. c. 123 to be binding.—The byelaws contained in the schedules (A), (B), (C), (D), (E), (F), and (G) to this Act annexed shall in all respects be held to have been duly made and published, but only in so far as consistent with and author-

ised by the recited Acts (25 & 26 Vict. c. 97, 26 & 27 Vict. c. 50, 27 & 28 Vict. c. 118), and to such extent shall be as valid and binding as if the same had been expressly enacted in this Act : Provided always, that notwithstanding the terms of the said recited Acts, any such byelaw shall be valid and binding as aforesaid although it includes in one district more than one river, or makes provisions with respect to a district including more than one river, or to two or more districts having assigned to them a common estuary. (§ 10, 31 & 32 Vict. c. 123.)

[For Schedules see Appendix, pp. 99-164.

Schedule (A) contains the limits of districts as fixed by the Commissioners, and divisions between upper and lower proprietors.

Schedule (B) contains the natural limits dividing rivers from the sea.

Schedule (C) contains the annual close time for every district, and the extension time for rod-fishing.

Schedule (D) contains the general regulations made with respect to the due observance of the weekly close time.

Schedule (E) contains the general regulations made with respect to the meshes of nets.

Schedule (F) contains the general regulations made with respect to the construction and use of cruives.

Schedule (G) contains the general regulations made with respect to the construction and alteration of mill dams, or lades, or water wheels.]

V.—DISTRICT BOARDS—PROCEDURE—POWERS.

26. Election of members and constitution of boards.—Within three months after any byelaw constituting the district shall have been published, the sheriff shall direct the sheriff-clerk to make up a roll of the upper proprietors, and also a roll of the lower proprietors in each district ; and the qualification of an upper proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty

pounds or upwards, or if such fishery be not valued on the valuation roll, of half a mile of frontage to the river, with a right of salmon fishing, and the qualification of a lower proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty pounds or upwards; and the sheriff shall have power to decide summarily any question arising on any claim to such qualification; and the sheriff shall thereafter direct the sheriff-clerk to call a meeting of the upper proprietors, and also a meeting of the lower proprietors, at such times and places as he shall direct; and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws made by the Commissioners; and the upper proprietors and lower proprietors present at such separate meetings respectively shall elect not more than three of their number to be members of the district board, every proprietor of a fishery valued at more than five hundred pounds on the valuation roll having two votes at such election, and an additional vote for every five hundred pounds of rental, but not more than four votes in all; and the members so elected with the proprietor having the largest amount entered in the valuation roll as the yearly rent or yearly value of fisheries in such district shall constitute the district board; and the last-mentioned proprietor shall be the chairman of the board, and have a deliberative as well as a casting vote; and the election of such board shall be notified by the chairman of such respective meetings to the sheriff-clerk within seven days from the date of the same and *the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix*: provided always, that if any river be situate in two or more counties, the notices above provided shall be given, and such meetings shall be called in such manner as the sheriffs of such counties jointly shall direct. (§ 18, 25 & 26 Vict. c. 97.)

The provision in the 18th section of the recited Act (25 & 26 Vict. c. 97) that "the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix," is hereby repealed. (§ 2, 26 & 27 Vict. c. 50.)

27. *Constitution of boards where proprietors are less in number*

than three.—If in any district the upper proprietors or the lower proprietors shall be fewer in number than three, the board shall consist of an equal number, elected as aforesaid, along with the proprietor having the largest valuation, who shall also be chairman of the board, as above provided; and if such last-mentioned proprietor be the sole upper or the sole lower proprietor, he shall have two votes on the board; and if there shall be only one proprietor in any district, such proprietor shall have and may exercise all the powers by this Act conferred on the district board. (§ 19, 25 & 26 Vict. c. 97.)

28. Payment to sheriff-clerk of election expenses.—All expenses incurred by the sheriff-clerk in making up the roll of proprietors, and in calling and attending the meetings for the election of the district board, with such reasonable remuneration for his time and trouble as shall be fixed by the sheriff, shall be paid to the sheriff-clerk by the district board out of the assessments to be levied under the authority of this Act. (§ 21, 25 & 26 Vict. c. 97.)

29. Duration of office of board and future election of members, and audit of accounts.—Each district board shall continue in office for three years, and members thereof shall be eligible for re-election, and vacancies occurring during such period shall be filled up by the board until the next meeting of proprietors, who shall then fill up the same; and meetings of the upper and lower proprietors respectively for the purpose of each triennial election of not more than three upper proprietors and three lower proprietors respectively shall be called by the clerk, who shall give notice of such meetings by advertisement as hereinbefore provided with respect to the publication of bye-laws made by the Commissioners; and such meetings shall at the same time take such steps as they shall think proper for auditing and attesting the accounts of the district board for the preceding three years. (§ 24, 25 & 26 Vict. c. 97.)

30. Procedure for constitution of board where none constituted before passing of 31 & 32 Vict. c. 123.—Where in any district a district board has not been constituted before the passing of this Act, it shall be lawful for any two proprietors of salmon fishings in the district, whether there be at the present time salmon in

the waters of the district or not, to present a petition to the sheriff praying that a district board may be constituted, and the sheriff shall thereupon direct the sheriff-clerk to make up a roll of the upper proprietors, and a roll of the lower proprietors in the district, and the sheriff shall thereafter direct the sheriff-clerk to call a meeting of the upper proprietors, and also a meeting of the lower proprietors, at such time and place as he shall direct, and notice of such meeting shall be given by advertisement inserted once at least in two successive weeks, in a newspaper printed or circulating in the county or counties in which the district is situated, and at the same time with the said notice the sheriff shall direct the sheriff's clerk also to intimate the time and place at which the first meeting of the board shall be held after its election; and the upper proprietors and lower proprietors present at such separate meetings respectively shall elect members of the district board in the manner provided in the first-recited Act; and the first meeting of the said district board shall be held at the time appointed by the sheriff as aforesaid, unless the upper proprietors and the lower proprietors agree together to appoint another time and place for the first meeting. (§ 3, 31 & 32 Vict. c. 123.)

31. *Factors or mandatories may be elected members, &c.*—The factor or mandatory of any proprietor of a fishery (including the factor or mandatory of the Commissioners or Commissioner of Woods in charge of the Land Revenues of the Crown in Scotland where Her Majesty is the proprietor of a fishery) shall be qualified to be and may be elected as a member of any district board, and shall have all the powers and privileges which the proprietors by whom he is appointed could have had under the recited Acts (25 & 26 Vict. c. 97; 26 & 27 Vict. c. 50; and 27 & 28 Vict. c. 118) or this Act; and any member of any district board appointed under the powers of the recited Acts, or any of them, or this Act, may from time to time nominate and appoint, by writing under his hand, any person as the mandatory of such member to attend, act, and vote at any meeting of such district board; and every such nomination and appointment shall subsist until recalled by the member making the same. (§ 8, 31 & 32 Vict. c. 123.)

32. *Proceedings not to be vitiated by vacancies, &c.*—No act or proceeding of a district board shall be questioned on account of any vacancy or vacancies in their body, and no defect in the qualification or appointment of any person or persons acting as a member or members of such board shall be deemed to vitiate any proceedings of such board in which he or they have taken part. (§ 6, 31 & 32 Vict. c. 123.)

33. *Minutes evidence of proceedings at meetings, &c.*—The minutes of the proceedings of every meeting of a district board shall be signed by the chairman; and any minute of proceedings of any meeting of such board, signed by the chairman of that meeting, shall be receivable in evidence in all legal proceedings without further proof; and, until the contrary is proved, every meeting of the board in respect of which minutes have been so made and signed shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified. (§ 7, 31 & 32 Vict. c. 123.)

34. *Chairman to convene meeting on requisition.*—On requisition in writing by any two members of a district board, the chairman shall be bound to convene a meeting of the board within a fortnight of the date of the requisition, and the clerk of the board shall give notice to each member, by circular, of the date of said meeting, and of the business to be brought before it. (§ 7, 31 & 32 Vict. c. 123.)

35. *May sue in name of clerk, quorum, first meeting, appointment of clerk, officers, &c.*—The district board may sue or be sued in the name of their clerk, and if there be more than six members three members shall form a quorum, and if there be fewer than six members two shall form a quorum, and they shall keep regular books and accounts, and shall hold their first meeting within ten days after the first election under this Act at a time and place to be fixed at the meetings of proprietors at which such election took place, or in cases where such election is not necessary the first meeting shall take place at a time to be fixed by a majority of the proprietors, and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws to be made by the Commissioners; and

the district board shall have power, subject to the provisions of this Act and the byelaws made by the Commissioners, *to make and alter from time to time regulations for the preservation of the fisheries in the district*, and from time to time to appoint a clerk, and such number of constables, water-bailiffs, watchers, and other officers as they think fit, to fix and prescribe the duties of all persons appointed by them, and to remove such persons, and appoint other persons in their stead; and they may combine with any other district board for the purpose of this Act, and to maintain a common staff of officers for the protection and preservation of the fisheries of more than one district, and may agree with the police committee of any county for the purpose of paying additional constables for the better protection of the fisheries in their district: provided that all such regulations shall, before taking effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested right of property, and shall not authorise any encroachment or trespass on private property. (§ 22, 25 & 26 Vict. c. 97.)

On the time and place of the first meeting of the district board being fixed as provided by the twenty-second section of the recited Act (25 & 26 Vict. c. 97), and intimated to the sheriff-clerk, he shall give notice of such meeting as therein provided, and such first meeting may be held at any time within twenty-one days after the first election of the district board under the recited Act, anything therein contained to the contrary notwithstanding. (§ 2, 26 & 27 Vict. c. 50.)

So much of the twenty-second section of "The Salmon Fisheries (Scotland) Act, 1862," as confers on district boards the power "to make and alter from time to time regulations for the preservation of the fisheries in the district," and the twenty-fifth section of said Act, are hereby repealed. (§ 42, 31 & 32 Vict. c. 123.)

36. Power to impose assessments.—The district board shall have power to impose an assessment for the purposes of this Act, to be called the fishery assessment, on the several fisheries in each district, according to the yearly rent or yearly value of such fisheries as entered in the valuation roll; and every pro-

prietor of a fishery which is not valued on the valuation roll, and who shall claim right to vote in the election of members of the district board, shall be held to be a proprietor of a fishery of the value of twenty pounds, and shall be assessed accordingly; and such fishery assessments may be imposed, collected, and recovered by the district board in the same manner as police assessments may be imposed, collected, and recovered by the commissioners of supply under the authority of the Public General Act, twentieth and twenty-first Victoria, chapter seventy-two; and for the purpose of imposing, collecting, and recovering such fishery assessments the district boards shall have and may exercise all the powers conferred by the said Act on commissioners of supply for imposing, collecting, and recovering the assessments leviable under the same. (§ 23, 25 & 26 Vict. c. 97.)

37. May petition Secretary of State to vary close times, and alter regulations, and procedure therefor.—Any district board at any meeting, of which due notice has been given by advertisement at least ten days previously in a newspaper printed or circulated in the county or counties in which the district is situated, may resolve to petition the Secretary of State to do any of the following things :

- (1.) To vary the annual close time in such district, provided that such annual close time shall always be one hundred and sixty-eight days :
- (2.) To vary the weekly close time in such district, or in different parts of such district, provided that the weekly close time or such weekly close times shall always be thirty-six hours :
- (3.) To alter the regulations with respect to the observance of annual or weekly close time in so far as they relate to such district :
- (4.) To alter the regulations with respect to the construction and use of cruives and cruiue dykes or weirs within such district, provided such alterations do not injure the supply of water to any person entitled to use any existing cruiue dyke as a dam dyke.

And such petition, authenticated by the signature of the chairman of the board, shall be transmitted to the Secretary of State by the clerk of the board, after notice thereof has been given by advertisement once at least in each of two successive weeks in a newspaper printed or circulating in the county or counties in which the district is situated, and the Secretary of State may direct such inquiry to be made, and such notice thereof to be given, as he shall think fit.

And any alteration petitioned for in such manner by any district board may be made by the Secretary of State, if he shall see fit, by order under his hand, and such order shall be published in the 'Edinburgh Gazette,' and a copy of the 'Edinburgh Gazette' containing such order shall be evidence of the same having been made; but the Secretary of State shall not entertain any such petition until it shall be proved to him, by such evidence as he shall think satisfactory, that notice of such petition has been duly given in manner aforesaid: Provided that such alteration shall not interfere with any rights held at the time of the passing of this Act under royal grant or charter, or possessed for time immemorial. (§ 9, 31 & 32 Vict. c. 123.)

38. *May by agreement purchase and remove dams, &c., and may execute works for improvement of fisheries.*—The district board shall by agreement (which agreement any heir of entail or other person under disability is hereby empowered to make with such board, and to implement) have power to purchase, for the purpose only of removal, any dam, weir, cruives, or other fixed engines they may deem it expedient to remove for the benefit of the fisheries in their district, and to remove any natural obstructions to the passage of fish in the bed of a river, or to attach a fish pass to any waterfall, and generally to execute such works, do such acts, and incur such expenses as may appear to them expedient for the protection or improvement of the fisheries within their district, the increase of salmon, or the stocking of the waters therewith; but it shall not be lawful for the board to pay to any member of the board any salary or fees for his acting in any way as a member of or under the board; provided

that such powers of purchase shall not be exercised unless the resolution of the district board shall have been consented to by the proprietors representing four-fifths in value of the fishings on the roll in the district. (§ 13, 31 & 32 Vict. c. 123.)

39. *Clerks of boards to keep rolls of proprietors.*—The clerk of each district board, constituted under the recited Acts, or this Act, shall make up and keep rolls of the upper and lower proprietors in the district, and correct the same from time to time whenever a new valuation roll comes into force; and at any meeting of the district board it shall be lawful for any person whose name has been erroneously struck out or omitted from the said roll to apply to the district board to have his name entered therein, or for any person whose name is on the roll for the district to object to the name of any other person being entered or remaining on the said roll on the ground that he does not appear on the valuation roll to be qualified, or that he does not possess the requisite frontage to the river; and if it shall be proved to the satisfaction of the board that such claim or such objection is well founded, the board shall direct their clerk to enter or strike out the name accordingly, as shall appear to them just; and if any person shall be dissatisfied with the decision of the board, he may appeal by summary petition to the sheriff of the county within which the subjects affording his qualification, or the greater part thereof, are situated; and the sheriff's decision shall be final, but in such appeal the jurisdiction of the sheriff shall not extend to questions of heritable right. (§ 4, 31 & 32 Vict. c. 123.)

40. *Expenses of boards how defrayed, and power to borrow money.*—Any expenses incurred by the district board in carrying out the provisions of this Act may be defrayed out of the assessment which they are empowered to lay on by the first-recited Act (25 & 26 Vict. c. 97); and any district board may, for the purpose of defraying any charge or expenses incurred by them under the powers of the last section (*ante*, par. 38), with the consent of the Secretary of State, borrow and take up at interest, on the credit of any assessment they are authorised by the first-recited Act to impose, such sum of money as may be necessary for defraying such charge or expenses, not exceeding the

amount of two years' assessments authorised by the said first-recited Act. (§ 14, 31 & 32 Vict. c. 123.)

41. *Members and officers of boards, &c., may have access to examine dams, &c., and may search and seize nets, &c.*—Any member of the district board, or water bailiff, constable, watcher, or officer of the board, or any police officer, may examine any dam, weir, cruive, or fixed engine within the limits of the district, or any artificial watercourse in that district; and any owner or occupier of any such dam, weir, cruive, or fixed engine, or artificial watercourse, refusing access thereto to any such member of the board, water bailiff, constable, or officer of the board, or any police officer, shall be liable to a penalty not exceeding five pounds for each offence; and any member of the board, or water bailiff, constable, watcher, or officer of the board, or any police officer, may search all boats, nets, baskets, or bags and other instruments used in fishing for salmon, or which he may have reason to suspect may contain salmon illegally taken, and he may seize all illegal nets, or nets being used illegally, and other instruments of fishing, and all fish and other articles liable to be forfeited under the provisions of this Act, and generally may act as a constable for the enforcement of the provisions of this Act, and when so acting shall be deemed to be a constable. (§ 28, 31 & 32 Vict. c. 123.)

VI.—ANNUAL AND WEEKLY CLOSE TIMES.

42. *Annual close time.*—No salmon, grilse, sea-trout, nor other fish of the salmon kind, shall be taken in or from any river, stream, lake, water, or estuary whatsoever, or on any part of the sea-coast, between the fourteenth day of September and the first day of February in any year, by any person or persons, any law, statute, or practice to the contrary notwithstanding. (§ 1, 9 Geo. iv. c. 39.)

[The annual close time fixed by 9 Geo. iv. c. 39 is superseded by the provisions of 25 & 26 Vict. c. 97, which authorised the Commissioners under that Act (§ 6 (5)) to determine "at what

dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take salmon with the rod and line: provided that the number of days during which such annual close time shall continue shall be the same as regards every district" (*ante*, par. 16). The annual close time and extension time for rod-fishing, as determined by the Commissioners for each district, will be found in Schedule (C) to Act 31 & 32 Vict. c. 123. See Appendix, p. 147.]

43. *Duration of annual and weekly close times.*—The annual close time for every district shall continue for one hundred and sixty-eight days; and the weekly close time, except for rod and line, shall continue from the hour of six of the clock on Saturday night to the hour of six of the clock on Monday morning; but the Commissioners shall have power, on the application of the district board, or of any two proprietors of fisheries in any district, to vary the period at which the weekly close time shall commence in any district, or any part thereof, in so far as they may think reasonable or expedient: provided that such weekly close time shall in no case be less than thirty-six hours. (§ 7, 25 & 26 Vict. c. 97.)

44. *Annual close time applicable to every mode of fishing, qualification as to rod and line.*—The annual close time shall be applicable to every mode of fishing for or taking salmon in any river, lake, or estuary, or in the sea, except by means of the rod and line for the periods in each district to be fixed by the Commissioners subsequent to the commencement and prior to the termination of the annual close time during which it shall be lawful to fish for and take salmon by means of the rod and line. (§ 8, 25 & 26 Vict. c. 97.)

45. *Annual close times subsisting at date of 25 & 26 Vict. c. 97 to be applicable until altered.*—In regard to any river and estuary which are regulated by any local Act relating thereto the annual close time fixed by such Act, and in regard to all other rivers, estuaries, and sea-coasts in Scotland the annual close time fixed by the Public General Act ninth George the Fourth, chapter

thirty-nine, shall respectively be applicable until the annual close time with respect to any such river, estuary, or sea-coast shall be otherwise determined by any byelaw made by the Commissioners under the authority of this Act. (§ 9, 25 & 26 Vict. c. 97.)

46. Boats and other engines to be removed after commencement of annual close time.—The proprietor or occupier of any fishery shall within thirty-six hours after the commencement of the annual close time remove and carry from such fishery, and from the landing places and grounds adjacent thereto, all boats, oars, nets, engines, and other tackle used or employed by such occupier in taking salmon, and effectually secure the same so as to prevent their being used in fishing until the end of the close time, with the exception of such boats and oars as may be used for angling; and the proprietor or occupier of any cruive shall within thirty-six hours after the commencement of the annual close time remove and carry away all the hecks, rails, and inscales, and effectually secure the same so as to prevent their being used in fishing, and shall also remove all planks and temporary fixtures and other obstructions to the free passage of fish through the cruive; and any proprietor or occupier who neglects to remove and carry away and effectually secure in manner aforesaid any boat, oar, net, engine, or other tackle, or any heck, rail, or inscale, or any obstruction to the passage of salmon through a cruive, shall forfeit every engine and thing not removed and carried away in compliance with the terms of this section, and for every day during which he suffers any such engine or thing to remain unremoved beyond the period prescribed in this Act he shall be liable to a penalty not exceeding ten pounds: provided always, that nothing herein contained shall apply to any ferry boat, or prevent any proprietor of lands from continuing any boat for the use of himself or of his family if such boat shall have the name of the proprietor painted thereon, and be secured, when not in use for lawful purposes, by lock and key. (§ 23, 31 & 32 Vict. c. 123.)

VII.—GENERAL REGULATIONS—WEEKLY CLOSE TIME—
CRUIVES—MILL DAMS—NETS.

47. *General regulations with respect to the due observance of weekly close time.*—[The regulations which were made by the Commissioners under 25 & 26 Vict. c. 97 (§§ 6 (6), 16) by way of byelaw for each of the districts fixed by them are to the following effect :]

(1.) That in each and every stake weir or stake net a clear opening of at least four feet in width from top to bottom shall be made and kept free from obstruction in each and every pouch, trap, or chamber of same.

(2.) That the pouches, traps, or chambers of each and every fly net shall be either raised and tied up to the upper ropes of same, or lowered and tied to the lower ropes, so as effectually to prevent the capture or obstruction of salmon.

(3.) That the netting of the leader of each and every bag net shall be entirely removed, and taken out of the water.]

[Schedule (D) 31 & 32 Vict. c. 123. See Appendix, p. 154.]

48. *General regulations with respect to the construction and use of cruives.*—[The regulations made by the Commissioners in these respects are as follows :]

(1.) The upper surface of the sill of each cruiue shall be not higher than twelve inches above the natural bed of the river where the cruiue is placed, and in the event of the sill being placed any higher than the natural bed of the river there must be a paved floor or apron to it down stream at least as wide as the cruiue, having its lower end not higher than the natural level of the river, and having a slope not steeper than one in six ; and otherwise the cruives shall be so constructed as to afford a ready and easy passage for the fish during the annual and weekly close times.

(2.) No cruiue shall be less at any part of it than four feet broad in the clear ; provided that where an upright post is used to support the cruiue, thereby dividing the width into two parts,

the aggregate width exclusive of such post shall not be less than four feet.

(3.) The hecks or rails and inscales shall be capable of being removed from the cruiue, and shall be removed during the annual close time. During the weekly close time the hecks or rails shall be removed, and the inscales shall either be removed or kept open for the space of four feet.

(4.) The bars of the upper hecks or rails shall be placed perpendicularly, not less than three inches apart, and they shall not be more than two inches thick, and not more than four inches broad in the up and down way of the stream, and they shall have their edges rounded off, so that only $1\frac{1}{2}$ inches in breadth of the whole thickness of two inches shall remain in the side of the hecks or rails in the up and down way of the stream.

(5.) The bars of the inscales shall not be of larger dimensions than those of the hecks or rails, and they shall not be less than two inches apart.

(6.) Each side or half of the inscales shall not be less than three feet long for a cruiue four feet wide in the clear, and shall be longer in the same proportion to any additional width of cruiue. They shall be constructed so that the up stream ends cannot and shall not at any time approach nearer to each other than five inches.

(7.) No net or other contrivance whatever shall be placed or used on or at any cruiue, or structure connected with a cruiue, for the purpose of catching fish, or for preventing their entry into or passing through the same; nor shall any device be employed to scare, deter, or obstruct fish from entering into or passing through any such cruiue. But, notwithstanding anything herein contained, it shall be lawful to place a canvas cloth or a wooden blind or blinds over the heck or hecks of a cruiue whilst the fish are being taken out of it, provided such cloth, blind or blinds, be not applied longer than fifteen minutes at a time, or oftener than six times in the course of twenty-four hours, and that when there are more cruives than one at the same dam only one cruiue shall be covered by the cloth or blinds at the same time.

32 CONSTRUCTION AND ALTERATION OF MILL DAMS.

(8.) No cruive shall be so constructed, inclosed, roofed, or built over, or in any other manner hidden or fenced in, as to prevent persons duly authorised from inspecting the same at all times, and ascertaining whether the law is being duly complied with.

(9.) No cruive shall be so altered as to create a greater obstruction to the free passage of fish than at present exists.

[Schedule (F) 31 & 32 Vict. c. 123. See Appendix, p. 161.]

49. *General regulations with respect to mill dams, &c.*—[The regulations made by the Commissioners “with respect to the construction and alteration of mill dams, or lades, or water wheels, so as to afford a reasonable means for the passage of salmon,” are as follows :]

(1.) Every new dam, and every portion of any dam that may require to be renewed or repaired after this time, shall be made and maintained water-tight, or as nearly so as possible, so that no water that can reasonably be prevented shall run through the dam ; but all water not taken into the lade for the use of the mills or other lawful purpose shall be made to flow over the dam as fully as may be practicable.

(2.) There shall be a sluice or sluices at the intake of every mill lade. No water shall, with the exception hereinafter stated, be allowed to enter any mill lade beyond the quantity required for the use of the water wheel or wheels of any one fall on that lade, or for other lawful purpose in the lade ; that is to say, no water shall be allowed to escape from any lade into the river by means of any bye-wash or overflow, but all water not required for the uses aforesaid shall be made to flow over the dam into the river as far as may be practicable.

At the option of the millers or manufacturers, this provision may be carried out either by shutting the sluice or sluices at the intake of the lade, or by raising the banks of the lade to a height that will prevent an overflow of water from the lade when the sluice at the wheel and the bye-wash sluice hereinafter mentioned are both kept shut : provided always, that the said byelaw shall not apply to millers or manufacturers when taking measures necessary for the protection of their premises during heavy floods, or when rivers are cumbered with ice, or

while necessary repairs are being executed on any emergency; provided that nothing be omitted or done unnecessarily to defeat the objects of this byelaw. Furthermore, in all cases when the intake sluice is more than 300 yards from the water wheel, it shall not be imperative to shut the intake sluice, or to keep the bye-wash sluice shut, during ordinary meal hours, or during any stoppage of the wheel not exceeding an hour at a time.

(3.) At the intake of every lade there shall be placed and constantly kept a heck or grating for each opening, or one embracing the whole openings, the bars to be not more than three inches apart if horizontal, and not more than two inches if vertical.

(4.) A similar heck or grating shall be placed and constantly kept across the lade or troughs immediately above the entrance to each mill wheel.

(5.) A similar heck or grating shall be placed and constantly kept across the lower end of each tail lade at its entrance into the main river.

NOTE.—To prevent any obstruction to the flow of the water by the hecks or gratings in the lades, it is recommended that the lade should be increased in width where the hecks are placed, and that the heck, instead of being in a straight line across, should be curved or pointed up or down stream, and thereby increased in length, so that the aggregate of the openings between the bars shall exceed the sectional area (or waterway) of the lade, and thus compensate for the space occupied by the bars.

(6.) There shall be a bye-wash sluice placed as near as practicable above each water wheel in the embankment of the lade of not less than three feet in width, with its sill as low as the bottom of the lade, and the said sluice shall be raised to a height sufficient to allow the smolts to descend for at least five but not exceeding eight hours each week from the 15th March to the 1st July, not more than six days intervening between each time of opening.

There shall be a salmon pass or ladder on the down-stream face of every dam, weir, or cauld, capable of affording a free passage for the ascending fish at all times when there is water

enough in the river to supply the ladder. The width shall not be less than four feet in the clear in rivers of less than 100 feet in breadth at the site of the dam, nor less than five feet in breadth in rivers of less than 200 feet and more than 100 feet in breadth as aforesaid, nor less than six feet in breadth in rivers of more than 200 feet in breadth as aforesaid; the upper sill shall be not less than six inches below the lowest part of the crest of the dam for the whole width of the ladder; the inclination shall in no case be steeper than five horizontal to one perpendicular, but, wherever practicable, shall be seven or eight horizontal to one perpendicular, and in all cases shall be provided with breaks or stops placed at suitable intervals, so as to lessen the velocity of the current sufficiently to allow the fish to ascend without difficulty.

The foot of the ladder shall be placed where there is most running water, and with the best lead for the fish to approach it; and if the ladder should project beyond the toe of the dam, there shall be an apron of stone formed to the dam, extending as far down the river as the entrance to the pass or ladder, and extending throughout the whole length of the dam at either side of the ladder, and on a high enough level to prevent there being any pool in the river, or sufficient depth of water farther up than the entrance to the said pass or ladder, by which the fish might be induced to remain there obstructed in their ascent, and not be led to the ladder.

NOTE.—The Commissioners would recommend the following details to be adopted in the construction of salmon ladders, in addition to those given in the foregoing byelaw, but do not insist on them, provided some other perfectly efficient arrangement be substituted,—viz., the side walls to be not less than twenty-two inches in height; the breaks to be not less than eighteen inches in height, with openings of ten inches in breadth at the alternate ends of each break, and five feet apart in cases where the gradient of the ladder is one in five and of a greater distance, but the same proportions being maintained where the gradient is easier than one in five.

(7.) No dam shall be so altered as to create a greater obstruction to the free passage of fish than at present exists.

[Schedule (G.), 31 & 32 Vict. c. 123. See Appendix, p. 162.]

50. *General regulations with respect to the meshes of nets.*—[The regulations made by the Commissioners “with respect to the meshes of nets” to be used for the capture of salmon, are as follows:]

That no net shall be used for the capture of salmon the meshes whereof shall be under one inch and three quarters in extension from knot to knot, measured on each side of the square, or seven inches measured round each mesh when wet; and the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used, or the covering the nets used with canvas, or the using any other artifice so as to evade the provisions of the regulations with respect to the meshes of nets, shall be deemed to be an act in contravention of this byelaw.

[Schedule (E.), 31 & 32 Vict. c. 123. See Appendix, p. 157.]

VIII.—OFFENCES AND PENALTIES.

[When proceedings for the prosecution of persons charged with offences under the Salmon Fishery Acts are taken under the Summary Jurisdiction Acts of 1864 and 1881, as is now generally the case, the penalties and expenses recoverable will be subject to the provisions and modifications contained in the latter Acts.]

51. *Trespassing with intent to kill salmon, &c.*—If any person shall, after the expiration of two months from and after the passing of this Act, trespass in any ground, inclosed or unin-closed, or in or upon any river, stream, watercourse, or estuary, with intent to kill salmon, grilse, sea-trout, or other fish of the salmon kind, such person shall forfeit and pay any sum not less than ten shillings, and not exceeding five pounds. (§ 3, 9 Geo. IV. c. 39.)

52. *Fishing without legal right or permission.*—If any person not having a legal right or permission from the proprietor of the salmon fishery, shall from and after the passing of this Act

wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any river, stream, lake, water, estuary, firth, sea loch, creek, bay, or shore of the sea, or in or upon any part of the sea, within one mile of low-water mark, in Scotland, any salmon, grilse, sea-trout, whitling, or other fish of the salmon kind, such person shall forfeit and pay a sum not less than ten shillings, and not exceeding five pounds for each and every such offence, and shall, if the sheriff or justices shall think proper, over and above, forfeit each and every fish so taken, and each and every boat, boat tackle, net, or other engine used in taking, fishing for, or attempting to take fish as aforesaid ; and it shall be lawful for any person employed in the execution of this Act to seize and detain all fish so taken, and all boats, tackle, nets, and other engines so used, and to give information thereof to the sheriff or any justice of the peace, and such sheriff or justice may give such orders concerning the immediate disposal of the same as may be necessary. (§ 1, 7 & 8 Vict. c. 95.)

Nothing herein contained shall be construed as depriving any proprietor of salmon fishery of any right now by law vested in such proprietor to prevent any person from fishing either within or beyond the limits specified in this Act. (§ 3, 7 & 8 Vict. c. 95.)

Nothing herein contained shall affect the rights or property of the Crown. (§ 4, 7 & 8 Vict. c. 95.)

53. *Taking fish during annual close time, &c.*—Sections eleven and twelve of the first-recited Act (25 & 26 Vict. c. 97) are hereby repealed, and in place thereof it is enacted as follows :—

Every person who commits any of the following offences,—

- (1.) Who fishes for, takes, or attempts to take, or aids or assists in fishing for, taking, or attempting to take, salmon during the annual close time by any means other than rod and line ;
- (2.) Who fishes for, takes, or attempts to take, or aids or assists in fishing for, taking, or attempting to take, salmon (except during Saturday or Monday by rod and line) during the weekly close time, or contravenes in any way any byelaw in force regarding the observance thereof ;

- (3.) Who fishes for or takes, or aids in fishing for or taking, salmon during the annual close time by means of rod and line at a period not sanctioned by the byelaws in force in the district;
- (4.) Who fishes for or aids in fishing for salmon with a net having a mesh contrary to any byelaw;
- (5.) Who sets or uses, or aids in setting or using, a net or any other engine for the capture of salmon when leaping at or trying to ascend any fall or other impediment, or when falling back after leaping;
- (6.) Who does any act for the purpose of preventing salmon from passing through any fish pass, or taking any salmon in its passage through the same;
- (7.) Who wilfully puts or causes to be put, or neglects to take reasonable precautions to prevent the discharge of, any sawdust, or any chaff, or any shelling of corn into any river;
- (8.) Who in any way contravenes any byelaw,

shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every salmon taken or killed in an illegal manner, and shall forfeit the salmon so taken; and all penalties imposed under this Act and the recited Acts, or any of them, shall be in addition to the costs and expenses of prosecution and conviction. (§ 15, 31 & 32 Vict. c. 123.)

54. *Using, buying, selling, or possessing roe.*—Every person that shall use any fish roe for the purpose of fishing, and every person that shall buy, sell, or expose for sale, or have in his possession, any salmon roe, shall for every such offence be liable to a penalty not exceeding two pounds, and shall forfeit all salmon roe found in his possession; but this section shall not apply to any person who uses or has in his possession salmon roe for artificial propagation or scientific purposes, or gives any reason satisfactory to the court by whom he is tried for having the same in his possession. (§ 18, 31 & 32 Vict. c. 123.)

55. *Causing or permitting poisonous liquid, &c., to flow into river.*—Every person who causes or knowingly permits to flow, or

puts or knowingly permits to be put, into any river containing salmon, any liquid or solid matter poisonous or deleterious to salmon, or *who shall discharge into any river sawdust* to an extent injurious to any salmon fishery, shall be liable to the following penalties (that is to say):—

For the first offence a penalty not exceeding five pounds :

For the second offence a penalty not exceeding ten pounds, and a further penalty not exceeding two pounds for every day during which such offence is continued :

For the third or any subsequent offence a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day during which such offence is continued :

But no person shall be subject to the foregoing penalties for any act done in the exercise of any right to which he is by law entitled, if he prove to the satisfaction of the court before whom he is tried that he has used the best practicable means, within a reasonable cost, to dispose of or render harmless the liquid or solid matter so permitted to flow or to be put into waters ; but nothing herein contained shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not passed, or exempt any person from any punishment to which he would otherwise be subject, or legalise any act or default that would but for this Act be contrary to law. (§ 13, 25 & 26 Vict. c. 97.)

The thirteenth section of the first-recited Act (25 & 26 Vict. c. 97) shall hereafter be read and construed as if the words “or who shall discharge into any river sawdust” therein contained were struck out of the section. (§ 16, 31 & 32 Vict. c. 123.)

56. *Using lights, spears, &c.*—Every person that shall use any light or fire of any kind, or any spear, leister, gaff, or other like instrument, or otter, for catching salmon, or any instrument for dragging for salmon, or have in his possession a light or any of the foresaid instruments under such circumstances as to satisfy the court before whom he is tried that he intended at the time to catch salmon by means thereof, shall be liable to a penalty not exceeding five pounds, and shall forfeit any of the foresaid

instruments and any salmon found in his possession ; but this section shall not apply to any person using a gaff as auxiliary to angling with a rod and line. (§ 17, 31 & 32 Vict. c. 123.)

57. Destroying smolts or fry and disturbing spawning beds.—

Every person who shall wilfully take or destroy any smolt or salmon fry, or shall buy, sell, or expose for sale, or have in his possession the same, or shall place any device or engine for the purpose of obstructing the passage of the same, or shall wilfully injure the same, or shall wilfully injure or disturb any salmon spawn, or disturb any spawning bed, or any bank or shallow in which the spawn of salmon may be, or during the annual close time shall obstruct or impede salmon in their passage to any such bed, bank, or shallow, shall be liable to a penalty not exceeding five pounds for every such offence, and shall forfeit every rod, line, net, device, or engine used in committing any such offence, and shall forfeit any smolt or salmon fry that may be found in his possession ; but nothing herein contained shall apply to acts done for the purpose of artificial propagation of salmon or other scientific purpose, or in the course of cleaning or repairing any dam or mill lade, or in the course of the exercise of rights of property in the bed of any river or stream : provided also, that the district board may, with the consent of all the proprietors of salmon fisheries in any river or estuary, adopt such means as they think fit for preventing the ingress of salmon into narrow streams in which they or the spawning beds are from the nature of the channel liable to be destroyed, but always so that no water rights used or enjoyed for the purposes of manufactures, or agricultural purposes or drainage, shall be interfered with thereby. (§ 19, 31 & 32 Vict. c. 123.)

58. Taking, buying and selling, or possessing unclean salmon.—

Every person who shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, any unclean or unseasonable salmon, or who shall buy, sell, or expose for sale, or have in his possession, any unclean or unseasonable salmon, shall be liable to a penalty not exceeding five pounds in respect of each such fish taken, sold, or exposed for sale, or in his possession, and shall forfeit every such

fish ; but this section shall not apply to any person who takes such fish accidentally, and forthwith returns the same to the water with the least possible injury, or to any person who takes or is in possession of such fish for artificial propagation or scientific purposes. (§ 20, 31 & 32 Vict. c. 123.)

59. *Buying, selling, or possessing salmon in close time.*—Any person who shall buy, sell, or expose for sale, or have in his possession, any salmon taken within the limits of this Act between the commencement of the latest and the termination of the earliest annual close time which is in force at the time for any district, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every salmon so bought, sold, or exposed for sale, or in his possession ; and any salmon so bought, sold, or exposed for sale, or in his possession, shall be forfeited ; and the burden of proving that any such salmon was caught beyond the limits of this Act shall lie on the person selling or exposing the same for sale, or having the same in his possession. (§ 21, 31 & 32 Vict. c. 123.)

60. *Breach of weekly close time.*—The proprietor, or when let the occupier, of every fishery at which stake, weir, or stake nets, fly nets, or bag nets are used, shall in regard to such nets do all acts required by any byelaw in force within the district in which such fishery is situated for the due observance of the weekly close time ; and if any such proprietor or occupier shall omit to do any act so required he shall incur the following penalties ; that is to say,

1. He shall forfeit the net or nets with regard to which such omission has occurred :
2. He shall for each weekly close time during any part of which such omission has occurred pay, in respect of each net to which the proof of such omission applies, a sum not exceeding ten pounds, and a further sum not exceeding two pounds for every salmon taken or killed by means of such nets during the said weekly close time. (§ 24, 31 & 32 Vict. c. 123.)

61. *Breach of laws regarding Saturday's stop, under 9 Geo. IV. c. 39.*—And whereas by an Act passed in the Parliament of

Scotland in the year one thousand four hundred and seventy-seven, intituled "*Anent Cruves*," it is *inter alia* ordained, that they that hes cruves in fresh waters, gar keip the lawes anent Satterdaies slop, and suffer them not to stand in forbidden time; and that ilk heck of the said cruves be three inche wide, and quha that beis convict thereof, to pay five pund: And whereas it is expedient that the said penalty of five pounds Scots money should be augmented; be it therefore enacted, that from and after the passing of this Act, if any owner or occupier of cruves shall offend against the said law, such person shall forfeit and pay a sum not less than five pounds nor exceeding twenty pounds sterling for every such offence. (§ 7, 9 Geo. IV. c. 39.)

62. *Three or more persons illegally fishing at night.*—If three or more persons acting in concert, or being together or in company, shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any river or estuary or the sea, or in or upon any river or estuary or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be guilty in Scotland of a criminal offence, and in England within the limits of the "*Tweed Fisheries Amendment Act*" of a misdemeanor, and shall for every such offence be liable to a fine not exceeding five pounds, or to imprisonment for any period not exceeding three months, as the sheriff or justices before whom such persons or any of them are tried and convicted may determine; and if such fine be not paid immediately on conviction, the offender so failing to pay shall be sentenced to imprisonment for such period, not exceeding three months, as the sheriff or justices may adjudge, unless such fine shall be sooner paid. (§ 27, 25 & 26 Vict. c. 97.)

63. *Refusing access to examine dams, &c.*—See par. 41. *Neglecting to remove boats, nets, &c., during annual close time*—See

par. 46. *Exporting or entering for exportation salmon caught during time sale prohibited*—See par. 87. And *Illegally shipping, exporting, or entering for exportation during annual close time*—See par. 88.

64. *Forfeiture of articles seized, and disposal thereof*.—Any net, rod, line, or other article directed to be forfeited under this Act may be seized by any constable, water-bailiff, watcher, or other officer appointed by the district board, and the sheriff or justice may either order the same to be destroyed or to be sold, and the proceeds of such sale to be paid to the clerk on behalf of the district board. (§ 26, 25 & 26 Vict. c. 97.)

Every person found guilty of any offence against any of the provisions of the recited Acts (25 & 26 Vict. c. 97, 26 & 27 Vict. c. 50, and 27 & 28 Vict. c. 118) or any of them, or of this Act, shall, in addition to any other penalties to which he may be liable, at the discretion of the sheriff or justices before whom he has been tried, forfeit every boat, net, rod, line, gaff, spear, leister, or other article or instrument of whatever kind which has been or may be used in fishing for or in taking salmon, and which is found in the possession of such person at the time of committing such offence, and which was capable of being used in the commission of such offence, and also any salmon that may be found in his possession. (§ 31, 31 & 32 Vict. c. 123.)

Where any salmon, net, rod, line, or other article directed to be forfeited under this Act has been seized by any constable, water-bailiff, watcher, or other officer appointed by the board or by any police officer, the sheriff or justices may order the same to be destroyed or handed over to the district board, or to the person prosecuting, to be disposed of as such board or person prosecuting may think fit. (§ 32, 31 & 32 Vict. c. 123.)

65. *Minimum penalties*.—The penalty in respect of any offence under this Act, or the recited Acts (25 & 26 Vict. c. 97, 26 & 27 Vict. c. 50, and 27 & 28 Vict. c. 118), shall, on a conviction for a second offence, be not less than one half the greatest penalty capable of being imposed in respect of such offence, and on a conviction for a third or subsequent offence the greatest amount of penalty mentioned in this Act shall be imposed; and

any boat, net, rod, line, or other article or thing used in the commission of any offence under this Act, or found in the possession of the offender, shall be forfeited. (§ 33, 31 & 32 Vict. c. 123.)

66. *Payment and application of penalties.*—The penalties incurred under this Act shall in all prosecutions at the instance of the clerk of any district board be payable to and recoverable by such clerk, and shall in all other cases be paid and applied in such manner as the sheriff or justices may direct; and all penalties and expenses received by the clerk, and the proceeds of the sale of any articles seized and directed to be sold as before provided, shall be applied by the district board towards defraying the expenses incurred by them in carrying into execution the provisions of this Act. (§ 32, 25 & 26 Vict. c. 97.)

The penalties incurred under this Act shall, in all prosecutions at the instance of the clerk of any district board, or by any person authorised by any district board, be payable to and recoverable by such clerk, and shall in all other cases be paid and applied in such manner as the sheriff or justices may direct; and all penalties and expenses received by the clerk, and the proceeds of the sale of any articles seized and directed to be sold as before provided, shall be applied by the district board towards defraying the expenses incurred by them in carrying into execution the provisions of this Act. (§ 40, 31 & 32 Vict. c. 123.)

IX.—ENFORCEMENT OF BYELAWS—PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES.

67. *Enforcement of byelaws.*—In the event of any person refusing or neglecting to obey any byelaw made by the Commissioners, or any regulation made by the district board, the clerk may apply to the sheriff by summary petition in ordinary form, praying to have such person ordained to obey the same, and the sheriff shall take such proceedings and make such orders thereupon as he shall think just. (§ 29, 25 & 26 Vict. c. 97.)

68. *Prosecution of offences and recovery of penalties under Act 25 & 26 Vict. c. 97.*—All offences under this Act may be prosecuted,

and all penalties incurred under this Act may be recovered, before any sheriff or any two justices acting together and having jurisdiction in the place where the offence was committed, at the instance of the clerk of any district board or of any other person; and it shall be lawful for the sheriff or justices to whom any petition or complaint is presented to proceed in a summary form, and to grant warrant for bringing the persons complained against before him or them, and on proof on oath by one or more credible witness or witnesses or confession of the person accused, or other legal evidence, forthwith to determine and give judgment in such complaint, without any written pleadings or record of evidence, other than a record of the charge and of the judgment pronounced thereon, and to grant warrant for the recovery of all penalties and expenses decerned for, by poinding and imprisonment for any period not exceeding six months; and any person who shall think himself aggrieved by any judgment of the sheriff or justices pronounced in any complaint or prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court, to the High Court of Justiciary at Edinburgh in the manner and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of his Majesty King George the Second, chapter forty-three, for taking away and abolishing heritable jurisdictions in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty and expenses awarded against him by the judgment appealed from, in the event of such appeal being dismissed, together with any additional expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such appeal; and it shall not be competent to appeal from or bring the judgments of any sheriff or justices acting under this Act under review by advocacy or in any other way than as herein provided. (§ 28, 25 & 26 Vict. c. 97.)

69. *Prosecution of offences and recovery of penalties under 31 & 32 Vict. c. 123.*—All offences under this Act may be prosecuted, and all penalties incurred under this Act may be recovered,

before any sheriff or any two or more justices acting together and having jurisdiction in the place where the offence was committed, at the instance of the clerk of any district board or of any other person ; and it shall be lawful for the sheriff or justices to whom any petition or complaint is presented to proceed in a summary form, and to grant warrant for bringing the persons complained against before him or them, or for citing them to appear before him or them, and on proof on oath by one or more credible witness or witnesses, or confession of the person accused, or other legal evidence, forthwith to determine and give judgment in such complaint, without any written pleadings or record of evidence other than a record of the charge and of the judgment pronounced thereon, and to grant warrant for the recovery of all penalties and expenses decerned for by poinding, and imprisonment for any period not exceeding six months ; and any person who shall think himself aggrieved by any judgment of the sheriff or justices pronounced in any complaint or prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at Edinburgh, in the manner and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of his Majesty King George the Second, chapter forty-three, for taking away and abolishing heritable jurisdictions in Scotland, with this variation that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty and expenses awarded against him by the judgment appealed from in the event of such appeal being dismissed, together with any additional expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such appeal ; and it shall not be competent to appeal from or bring the judgments of any sheriff or justices acting under this Act under review by advocacy, or in any other way than as herein provided. (§ 30, 31 & 32 Vict. c. 123.)

70. *Sheriff or justice may grant warrant to search.*—It shall be lawful for the sheriff or any justice of the peace, upon an information on oath that there is probable cause to suspect any breach

of the provisions of this Act to have been committed on any premises, or any salmon illegally taken, or any illegal nets, or other engines or instruments, to be concealed on any premises, by warrant under his hand to authorise and empower any water-bailiff, constable, watcher, or other officer of the board, or police officer, to enter such premises for the purpose of detecting such offence, or such concealed fish or instruments, at such time or times in the day or night as in such warrant may be mentioned, and to seize all illegal nets, engines, or other instruments, or any salmon illegally taken, that may be found on such premises; provided that no such warrant shall continue in force for more than one week from the date thereof. (§ 26, 31 & 32 Vict. c. 123.)

71. *Water-bailiffs, constables, &c., entering lands not to be deemed trespassers.*—Any water-bailiff, constable, watcher, or officer of the board, or any police officer, may enter and remain upon any lands in the vicinity of any river or of the sea-coast during any hour of the day and night for the purpose of preventing a breach of the provisions of this or the recited Acts (25 & 26 Vict. c. 97; 26 & 27 Vict. c. 50; and 27 & 28 Vict. c. 118), or of detecting the persons guilty of any breach thereof, and no such person entering and remaining upon such lands as aforesaid shall be deemed to be a trespasser: provided always, that the owner or occupier of such land may require such person to quit, and such person may on refusal be proceeded against as a trespasser, and shall be liable to the penalties, unless he shall prove to the satisfaction of the sheriff or justices before whom he is tried that he had reason to apprehend a breach of the law had been or was about to be committed. (§ 27, 31 & 32 Vict. c. 123.)

72. *Members and officers of district boards, &c., to have access to examine dams, &c., and to search and seize nets, &c.*—See ante, par. 41.

73. *Apprehension of offenders under 9 Geo. IV. c. 39.*—It shall be lawful for any person, without any warrant or other authority than this Act, *brevi manu* to seize and detain any person who shall be found committing any offence against this Act, and to carry such person before any justice of the peace or other magistrate, or to deliver such person to a constable, who is hereby

required to carry such person before a justice of the peace or magistrate, who shall forthwith examine and discharge, or commit such person until caution *de judicio sisti* be found, as the case may require. (§ 11, 9 Geo. IV. c. 39.)

74. *Apprehension of offenders under 31 & 32 Vict. c. 123.*—It shall be lawful for any person, without any warrant or other authority than this Act, *brevi manu* to seize and detain any person who shall be found committing any offence contained in the first six subdivisions of the fifteenth section, or in the seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second sections of this Act, and to carry such person before any sheriff or justice of the peace or other magistrate, or to deliver such person to a constable, who is hereby required to carry such person before a justice of the peace or other magistrate, who shall forthwith examine and discharge or commit such person until caution *de judicio sisti* be found, as the case may require. (§ 29, 31 & 32 Vict. c. 123.)

75. *Bailiffs, &c., may search for salmon captured in contravention of 7 & 8 Vict. c. 95.*—In order the better to carry out the provisions of the Act of the seventh and eighth years of Her present Majesty, chapter ninety-five, it shall be lawful for any water-bailiff, constable, watcher, or officer of any district board, or any police officer, to search all boats, boat tackle, nets, or other engines, and all receptacles, whether at sea or on shore, which he or they may have reason to suspect may contain salmon captured in contravention of the said last-mentioned Act, and to seize all salmon found in the possession of persons not having a right to fish salmon, and the possession of such salmon shall be held *prima facie* evidence of the purpose of the possessor to contravene the provisions of the said last-mentioned Act: provided also, that the words "the said recited Act" contained in the second section of the last-mentioned Act shall be read and construed as if they meant and included this Act and the Acts recited therein (25 & 26 Vict. c. 97, 26 & 27 Vict. c. 50, and 27 & 28 Vict. c. 118). (§ 25, 31 & 32 Vict. c. 123.)

76. *As to disqualification of justices.*—No justice of the peace shall be disqualified from hearing any case arising under this

Act by reason of his being a member of a district board; provided that no justice shall be entitled to hear any case in respect of an offence committed on his own fishery. (§ 34, 31 & 32 Vict. c. 123.)

77. Prosecution of offences on boundary between counties or on sea-coast or at sea.—Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, such offence may be prosecuted before a sheriff or two justices of the peace in either of such counties, and any offence committed under this Act on the sea-coast, or at sea beyond the ordinary jurisdiction of any sheriff or justices of the peace, shall be held to have been committed within the body of any county abutting on such sea-coast, or adjoining such sea, and may be tried and punished accordingly. (§ 35, 31 & 32 Vict. c. 123.)

78. Expenses of application or complaints.—In giving judgment on any application or complaint under this Act the sheriff or justices may find the person complained against liable in expenses, and may decern for payment of the same. (§ 30, 25 & 26 Vict. c. 97.)

In giving judgment on any application or complaint under this Act the sheriff or justices may find the person complaining or complained against liable in expenses, and may decern for payment of the same. (§ 38, 31 & 32 Vict. c. 123.)

79. Recovery of penalties and expenses.—All penalties and expenses incurred under this Act, or under any byelaw or regulation made under the authority thereof, may be recovered by ordinary action or in the small-debt court of the sheriff. (§ 31, 25 & 26 Vict. c. 97, and § 39, 31 & 32 Vict. c. 38.)

80. Title of proprietor to sue other proprietor.—Any proprietor of a fishery shall be held to have a good title and interest at law to sue by action any other proprietor or occupier of a fishery within the district, or any other person who shall use any illegal engine or illegal mode of fishing for catching salmon within the district. (§ 37, 31 & 32 Vict. c. 123.)

81. Recovery of penalties applicable to river Tweed.—The penalties imposed by this Act, so far as applicable to the river Tweed

and its fisheries, shall be recoverable and applicable in the same manner as penalties imposed by the Tweed Fisheries Act, 1857; and the sections of this Act hereby applied to the river Tweed shall be read and taken as if they formed part of such last-mentioned Act and of Tweed Fisheries Amendment Act, 1859; and the words "district board" in the said sections shall signify the Board of Commissioners of the River Tweed. (§ 41, 31 & 32 Vict. c. 123.)

82. Recovery and application of penalties under 9 Geo. IV. c. 39.

—Each and every penalty provided by this Act shall go to the informer, and may and shall be recoverable, with expenses, as well before the sheriff as before the justices of the peace of any county as aforesaid wherein the same may be incurred, or where the offender shall reside, at the instance of any person or persons who shall prosecute for the same; and in prosecutions for the different penalties imposed by this Act, or any other Act for the preservation of the salmon fisheries in Scotland, it shall be lawful for the sheriff or justices before whom any complaint for the recovery thereof may be brought, to proceed in a summary way, and to grant warrant for bringing the parties complained upon immediately before them, and on proof on oath by one or more credible witnesses, or confession of the offence, or other legal evidence, forthwith to determine and give judgment in such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of all penalties and expenses decerned for, failing payment within fourteen days after conviction, by poinding and imprisonment, for a period, at the discretion of the sheriff or justices, not exceeding six months, it being hereby provided that a record shall be preserved of the charge and of the judgment pronounced; and any person or persons who shall think himself, herself, or themselves aggrieved by any judgment of any sheriff or justices, pronounced in any case arising under this Act, or by assessment made under this Act, in Scotland, may appeal to the Commissioners of Justiciary at their next Circuit Court, or where there are no Circuit Courts, to the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations,

conditions, and restrictions contained in the Act passed in the twentieth year of the reign of King George the Second, for taking away and abolishing the heritable jurisdictions in Scotland; with this variation, that such person or persons shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties, and expenses, awarded against him, her, or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses that shall be awarded by the Circuit Court on dismissing the said appeal or appeals; and it shall not be competent to appeal from or bring the judgments of any justices or sheriff acting under this Act under review, by advocacy or suspension, or by reduction, or in any other way than as herein provided. (§ 9, 9 Geo. IV. c. 39.)

83. *Limitation of actions under 9 Geo. IV. c. 39.*—No prosecution or other proceeding whatever shall be brought or commenced against any person or persons for any offence or offences against this Act, unless the same shall be laid or commenced within six calendar months after any such offence or offences shall have been committed; and provided that where any offender shall be punished by virtue of this Act, he shall not incur the penalty of any other law or statute for the same offence. (§ 13, 9 Geo. IV. c. 39.)

84. *Recovery of penalties and apprehension of offenders under 7 & 8 Vict. c. 95.*—The regulations as to the recovery and application of penalties and the apprehension of offenders, and all other enactments and provisions of the said recited Act (9 Geo. IV. c. 39), shall extend and apply to what is herein above enacted, and this Act shall be construed and applied in the same manner and in all respects as if it had formed part of the said recited Act. (§ 2, 7 & 8 Vict. c. 95.)

85. *Justices not disqualified and owners not incompetent witnesses in proceedings under 9 Geo. IV. c. 39.*—All justices of the peace and other magistrates shall and may act in the execution of this Act, notwithstanding such justice or magistrate shall be interested in any salmon fishery, except in any case where

such justice or magistrate, or his tacksmen, is a party in the prosecution or case to be heard and determined by such justice or magistrate; and also that every owner or occupier of, or any person otherwise interested in any salmon fishery, shall and is hereby declared not to be an incompetent witness to prove any offence committed against this Act by reason of being such owner or occupier so interested. (§ 12, 9 Geo. IV. c. 39.)

86. Recovery of penalties under 26 Vict. c. 10.—All penalties under this Act may be recovered in England, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fishery Act, 1861; in Ireland as penalties under the Act passed in the session of the fifth and sixth years of the reign of Her present Majesty, chapter 106, intituled "An Act to regulate the Irish Fisheries;" in Scotland, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fisheries (Scotland) Act, 1862, and within the limits of the said Tweed Fisheries Act in manner prescribed by "The Tweed Fisheries Act, 1857." (§ 4, 26 Vict. c. 10.)

X.—EXPORTATION OF SALMON.

87. Provisions under 26 Vict. c. 10, and 33 & 34 Vict. c. 33.—No unclean or unseasonable salmon, and no salmon caught during the time at which the sale of salmon is prohibited in the district where it is caught, shall be exported or entered for exportation, from any part of the United Kingdom to parts beyond seas.

All salmon exported or entered for exportation in contravention of this section shall be forfeited, and the person exporting or entering the same for exportation shall be subject to a penalty not exceeding five pounds in respect of such salmon so exported or entered for exportation.

The burden of proving that any salmon entered for exportation from any part of the United Kingdom to parts beyond seas between the third day of September and the *second day of February* following is not so entered in contravention of this

Act, shall lie on the person entering the same for exportation. (§ 3, 26 Vict. c. 10.)

From and after the commencement of this Act the said third section of "The Salmon Acts Amendment Act, 1863" (26 Vict. c. 10), shall be read and construed as if the words "second day of February" were omitted therefrom and the words "thirtieth day of April" were inserted instead of the said omitted words. (§ 3, 33 & 34 Vict. c. 33.)

88. *Provisions as to exportation of salmon under 31 & 32 Vict. c. 123.*—All salmon intended for exportation shall be entered for that purpose with the proper officer of customs at the port or place of intended exportation before shipment thereof; and any salmon shipped or exported or brought to any wharf, quay, or other place for exportation between the commencement of the latest and the termination of the earliest annual close time for any district in Scotland contrary to this section shall be forfeited, unless proof be given to the satisfaction of the Commissioners of Customs of the salmon having been legally captured, and the person so illegally shipping or exporting or bringing the same for exportation shall be liable to a penalty not exceeding two pounds for every salmon so shipped or exported or brought for exportation; and no salmon caught by rod and line during the annual close time for net-fishing shall be shipped, exported, or brought for exportation under the like penalties; and any officer of customs may during the aforesaid period open any parcel entered or intended for exportation, or brought to any quay, wharf, or place for that purpose, and suspected by him to contain salmon, and may detain any salmon found in such parcel until proof is given to the satisfaction of the Commissioners of Customs of the salmon being such as may be legally exported; and if the salmon before such proof is given become unfit for human food the officer of customs may destroy the same. (§ 22, 31 & 32 Vict. c. 123.)

XI.—MISCELLANEOUS PROVISIONS.

89. *Fishing illegal where or by mode prohibited by previous Acts.*

—It shall not be lawful to fish for or take salmon at any place or by any mode prohibited by any statute relating to salmon or salmon fisheries in Scotland subsisting and in force at the date of the passing of this Act; and nothing contained in this Act or in any byelaw made by the Commissioners shall render legal any mode of fishing which was or would have been illegal at the date of the passing of this Act. (§ 10, 25 & 26 Vict. c. 97.)

It shall not be lawful to fish for or take salmon at any place or by any mode prohibited by any statute relating to salmon or salmon fisheries in Scotland subsisting and in force at the date of this Act; and nothing contained in this Act or in any byelaw shall render legal any mode of fishing which was or would have been illegal at the date of the passing of this Act. (§ 36, 31 & 32 Vict. c. 123.)

90. *Mandatories may be appointed to attend and vote at meetings of proprietors.*—It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in cases where Her Majesty in right of her crown is proprietor of any fishery, and for any corporation or company, being the proprietors of any fishery, or for any proprietor of a fishery, respectively, from time to time to nominate and appoint, by any writing under his or their hand or seal, any person as the mandatory of such Commissioners, corporation, company, or proprietor to attend, act, and vote at any meeting of proprietors under this Act; and every such nomination and appointment shall subsist until recalled by the said Commissioners or either of them, or by the corporation or company or proprietor making the same. (§ 20, 25 & 26 Vict. c. 97.)

91. *Provision for valuation of fishings.*—Where any fishery is not entered in the valuation roll, or where any fishery is entered in the valuation roll along with and as a part of other subjects,

the county assessor shall, on being required by the clerk to the district board, value and enter such fishery in the valuation roll separately from other subjects; and where any fishery or rod-fishing when let in the sea happens to be situate in two separate districts, the county assessor shall, on being required by the clerk of either district, value and enter separately in the valuation roll the annual value of such fishery situate in the respective districts. (§ 5, 31 & 32 Vict. c. 123.)

92. *Certain provisions of 24 & 25 Vict. c. 109, and 25 & 26 Vict. c. 97, apply to Solway Firth.*—From and after the first day of January one thousand eight hundred and sixty-five the provisions of the *said Act*, intituled “An Act to amend the Laws relating to Fisheries of Salmon in England,” shall extend and apply to salmon fisheries in the waters and on the shores of the Solway Firth situate in Scotland, as the same may be fixed by authority of this Act, and to the rivers flowing into the same, in so far as such provisions relate to the use of fixed engines for the taking of salmon: provided that all offences against such provisions shall be prosecuted and punished as directed by this Act. (§ 33, 25 & 26 Vict. c. 97.)

The thirty-third section of the recited Act (25 & 26 Vict. c. 97) shall be read and construed as if the words “Public General Act, 24th & 25th Victoria, chapter 109,” had been inserted therein instead of the words “*said Act*.” (§ 3, 26 & 27 Vict. c. 50.)

93. *Regulations not to apply to streams not frequented by salmon.*—Notwithstanding anything contained in or authorised by this Act or the recited Acts (25 & 26 Vict. c. 97, 26 & 27 Vict. c. 50, and 27 & 28 Vict. c. 118), no regulations with respect to the construction and alteration of mill dams or lades or water wheels, so as to afford a reasonable means for the passage of salmon, shall apply to streams or branches or tributaries of rivers which are of such small size as not to be frequented by salmon, nor to dam dykes which in their existing state at the time and in the average state of the river do not obstruct the passage of salmon; and where in any existing intake lade there

is at present a sufficient sluice, it shall not be necessary to remove said sluice to a higher point of the lade, nor to construct an additional sluice at the intake thereof; and it shall be lawful to lift any heck from out the water as a means of protection during a flood, or when the river is encumbered with ice, or with weeds and floating leaves to an extent to choke the heck. (§ 11, 31 & 32 Vict. c. 123.)

94. *Byelaws not to apply to Kinnaber mill lade.*—And whereas the royal burgh of Montrose is supplied with water from sources adjoining the river North Esk, which water is raised to the point of distribution by means of water power derived from a watercourse or mill lade having its intake at Morphie dam dyke on the said river, and returning to the river at a point near the lower north water bridge on the said river, commonly called the mill lade of Kinnaber, and great inconvenience would arise from the application to the said watercourse or mill lade of certain of the byelaws by this Act made valid and binding: Be it enacted, that nothing in the said byelaws, or in this or in the recited Acts, or any of them, as to the placing of hecks or gratings, or the shutting of sluices at the intake of mill lades or watercourses, shall apply to the said watercourse or mill lade known as the mill lade of Kinnaber, excepting in so far as regards the lowering of the intake sluice during the weekly close time, and then only so as to leave a free space during such close time of not less than eighteen inches between the bottom of the sluice and the sill or bed of such mill lade or watercourse. (§ 12, 31 & 32 Vict. c. 123.)

95. *31 & 32 Vict. c. 123, not to affect liabilities incurred or offences committed before passing.*—This Act shall not affect any action or prosecution which has been or may hereafter be begun in respect of any liability incurred or offence committed before the passing of this Act. (§ 43, 31 & 32 Vict. c. 123.)

96. *Any two proprietors may call meetings of other proprietors to assess for purposes of 9 Geo. IV. c. 39.*—It shall be lawful, in Scotland, for any two proprietors of salmon fisheries in any river, or any stream, lake, water, or estuary communicating therewith, from time to time to call meetings of all

the other proprietors of salmon fisheries in such river, and the several streams, lakes, waters, and estuaries communicating therewith, or on the sea-coast within five miles of the mouth of such river or estuary, by three several advertisements in any newspaper published in the county where such meeting is to be held, or if no newspaper be there published, then in any newspaper published in any adjoining county, and also in one Edinburgh newspaper, fourteen days before such meeting shall be held; at which meetings it shall be lawful for the majority of proprietors in number and value attending, or authorising their factors or other proprietors by a written mandate to act for them, to assess the whole proprietors of salmon fisheries in such river, stream, lake, water, or estuary, and on the sea-coast within five miles of the mouth of such river or estuary, in such sums as they shall think fit rateably according to the real rents of their fisheries, for the purpose of enforcing this Act and the other laws regulating salmon fisheries; and it shall be lawful for such meetings to appoint and pay clerks, water-bailiffs, and other officers as they shall see cause; and all such assessments shall be recoverable in the sheriff's court, at the instance of any clerk or other person authorised by any such meeting, in the same manner and under the same provisions and regulations as small debts are now recovered by the Act passed in the sixth year of the reign of His present Majesty, intituled "An Act for the more easy Recovery of Small Debts in the Sheriff Courts in Scotland;" and this notwithstanding the amount of such assessment shall exceed eight pounds: provided always, that if any salmon fishery on the sea-coast shall be within five miles of the mouths of more than one river or estuary, the proprietor of such fishery shall be liable in one assessment only for such fishery, and shall be at liberty to make his election of any one such river or estuary in connection with which he shall be assessed. (§ 10, 9 Geo. IV. c. 39.)

XII.—DECIDED CASES IN THE COURT OF SESSION AND
COURT OF JUSTICIARY ON CONSTRUCTION OF ACTS
AND PROCEDURE.

III. DISTRICTS.

Par. 14. 25 & 26 Vict. c. 97, § 4.

97. *Stevenson v. M'Levy*.—Observed (per Lord Justice-Clerk Moncreiff) that the districts formed under the Salmon Fishery Acts were not territorial, but were confined to the rivers and banks. 21st February 1879: 6 Rettie (Just.), 33; 4 Couper, 196. (See also par. 108.)

IV. COMMISSIONERS—POWERS—BYELAWS.

Par. 16. 25 & 26 Vict. c. 97, § 6.

98. *Kennedy v. Murray*.—Held (1) that the Commissioners had power to make byelaws as to lades, dams, &c., although not in process of construction or repair; (2) that they had power to impose an obligation on owners and occupiers to execute the works embraced in the byelaws at their own cost; and (3) that the provision to the effect that the regulations to be made by the Commissioners should not interfere with any right held at the passing of the Act under royal grant or charter, or possessed from time immemorial, did not free the proprietor of a mill so held from the obligation under the Act to place locks, &c., as specified in the regulations. 8th July 1869: 7 M'Pherson, 1001. (See also par. 104.)

Pars. 16 and 18. 25 & 26 Vict. c. 97, §§ 6 and 15.

99. *Pitcaithly v. Clerks of Tay District Board*.—In complaint for infringement of byelaw fixing annual close time of the river Tay, plea that the byelaw was ineffectual on the ground that the Commissioners had exhausted their powers by the previous issue of an informal byelaw repelled, and held that the close time was determined by last byelaw issued. 25th April 1866: 38 Jurist, 511. 5 Irvine, 224.

Pars. 16 and 25. 25 & 26 Vict. c. 97, § 6 ; and 31 & 32 Vict. c. 123, § 10.

100. *Hughan*.—Held that for the purposes of the Solway Salmon Fisheries Act, 1877, the boundary of the Solway was fixed by the Salmon Fishery (Scotland) Acts of 1862 and 1868. 10th July 1879 : 6 Rettie, 1232.

V. DISTRICT BOARDS—PROCEDURE—POWERS.

Par. 26. 25 & 26 Vict. c. 97, § 18.

101. *Colquhoun v. Buchanan*.—Held (1) that a proprietor of salmon-fishings had a title to sue for a reduction of a roll of proprietors made up by the Sheriff-Clerk, to the effect of having struck out the names of parties not proprietors of fishings ; and (2) that where after a roll of proprietors had been made up, a proprietor of fishings who had been represented by a mandatory at meetings of proprietors and of the district board, was not barred *personali exceptione* from objecting that a party on the roll, who had been elected and acted as a member of the district board, did not possess the statutory qualification and ought to be struck from the roll. 29th March 1866 : 4 M'Pherson, 682.

Pars. 26 and 29. 25 & 26 Vict. c. 97, §§ 18 and 24.

102. *Campbells*.—A district board, which had been constituted for the district of the river Awe, having lapsed upon the expiry of the three years' term of office of the first board without a new one being elected, the Court of Session, in the exercise of its *nobile officium*, in the absence of statutory direction, on the petition of two proprietors of fishings in the district, remitted as prayed for to the Sheriff to reconstitute the board, according to the forms in the case of a first election. 17th March 1883 : 10 Rettie, 819.

Brodie & Another.—A remit made to the Sheriff, in circumstances similar to those of the last case, to reconstitute the district of the river Nairn. 23d January 1884 : 21 Scottish Law Reporter, 309.

VI. ANNUAL AND WEEKLY CLOSE TIMES.

Par. 43. 25 & 26 Vict. c. 97, § 7.

103. *Custar & Young v. Chalmers*.—Held that where in any year the annual close time expires during the hours of ordinary weekly close time, it is illegal to commence fishing before expiry of the remaining hours of the weekly close time. 28th March 1878 : 5 Rettie (Just.), 36 : 4 Couper, 46.

VII. GENERAL REGULATIONS—CONSTRUCTION AND ALTERATION OF MILL DAMS.

Paragraph 49. 31 & 32 Vict. c. 123, Schedule (G).

104. *Kennedy v. Murray*.—Held that the regulations are framed with such precision and clearness as to be valid and operative in reference to the parties by whom they are to be observed and the manner in which they are to be executed. 8th July 1869 : 7 M'Pherson, 1001. (See also par. 98.)

VIII. OFFENCES—PENALTIES.

Pars. 51 and 52. 9 Geo. IV. c. 39, § 3 ; and 7 & 8 Vict. c. 95, § 1.

105. *Stevenson v. M'Donald*.—Where question raised under a complaint on the Acts resolved into a dispute as to a patrimonial right of fishings, held that such a question could not be tried under the Acts, and a conviction set aside. 28th September 1855 : 2 Irvine, 239.

Anderson v. Anderson.—A member of the public has no legal right to fish for salmon with rod and line in a tidal river within the bounds of an express Crown grant of salmon-fishings. 7th December 1867 : 6 M'Pherson, 117 ; 5 Irvine, 499.

Barlas v. Chalmers.—Conviction quashed where accused pleaded right to fish for salmon at place libelled as a member of the community of Perth, and produced copy royal chart of right of fishing to burgh, and offered to prove possession thereon, on the

ground that the question raised was one of civil right, and the justices should either have sisted procedure or dismissed the complaint. 4th April 1876 : 3 Rettie (Just.), 26 ; 3 Couper, 279.

Grant v. Wright.—In prosecution for taking fish of the salmon kind in estuary by means of set lines, without legal right or permission, accused pleaded that the lines were set for flounders, and he was acquitted by the Sheriff. Held on appeal that the question whether the accused had taken sea-trout was one of fact ; and there being no question of law, appeal dismissed. Observed (per Lord Young) that, in order to entitle a party to come to the superior court, the error in point of law must be of a different complexion from the error of coming merely to a wrong conclusion on the evidence. 31st May 1876 : 3 Rettie (Just.), 28 ; 3 Couper, 282.

Higgins v. Lord Moray.—Conviction of accused, who pleaded right under Crown charter and immemorial possession, as one of the community of Forres, to fish in the river Findhorn ; recalled, that question of right might be determined. 9th September 1884 : 12 Rettie (Just.), 1.

Par. 53. 31 & 32 Vict. c. 123, § 15.

106. *Haydon v. Cormack*.—Held that a conviction was not good in a case where a salmon had in close time been found captured in a stake-net set for taking white fish, it not having been proved that the accused had been wilfully fishing for salmon, and it being admitted that salmon might occasionally get into the net. 19th March 1885 : 22 Scottish Law Reporter, 563. (See also par. 113.)

Par. 57. 31 & 32 Vict. c. 123, § 19.

107. *Blair v. Miller*.—Held that “parr” came under the denomination of “smolt or salmon fry” used in the 19th sect. of 31 & 32 Vict. c. 123, and that possession of parr a contravention of said section. 2d November 1870 : 9 M’Pherson, 58 ; 1 Couper, 462.

Par. 59. 31 & 32 Vict. c. 123, § 21.

108. *Blair v. Shepherd*.—A complaint for exposing for sale a salmon caught with rod and line after commencement of annual close time for nets, but within the extended time for rod and line, dismissed. 12th April 1871 : 43 Jurist, 380 ; 2 Couper, 28.

Stevenson v. M'Levy.—In a prosecution for having salmon in possession taken in a district during the annual close time in force therein, held that it was incompetent, after proof led, to amend complaint by adding the *locus* at which panels alleged to have had the fish in their possession. Opinions (per Lord Justice-Clerk Moncreiff and Lord Craighill) that it was sufficient for the complainer to prove that panels were in possession of salmon during close time, and that the onus of proving where the salmon came from rests on the panel. Opinion (per Lord Young) that it was a matter in the discretion of the judge, on the facts of each case, on which party the onus was to be laid. 21st February 1879 : 6 Rettie (Just.), 33 ; 4 Couper, 196. (See also par. 97.)

Wilsone v. Harvey, &c.—Held that the provisions of the 21st sect. of 31 & 32 Vict. c. 123, apply to the period during which all rivers within the limits of the Act are closed. *Question*, Whether they apply to the period during which net-fishing is illegal, but rod-fishing is allowed ? opinion (per Lord Young) that it does. 13th November 1884 : 12 Rettie (Just.), 12.

Chalmers v. M'Glashan.—Held that the words "any district" include the Tweed districts, and objection to complaint for having salmon in possession on 12th September, in respect the close time in the Tweed districts did not commence until 14th September, sustained. 2d February 1886 : 23 Scottish Law Reporter, 336.

Par. 60. 31 & 32 Vict. c. 123, § 24.

109. *Cooper v. Tough*.—Held that it was a relevant complaint against a tenant and occupant of a salmon fishery who, after

timeously removing his bag-nets on Saturday night, was said to have replaced them before the expiry of the weekly close time ; and Sheriff's interlocutor dismissing case recalled. 22d April 1874 : 2 Couper, 547.

Par. 64. 25 & 26 Vict. c. 97, § 26.

110. *Mauchline v. Stevenson*.—In complaint under the Salmon Fisheries (Scotland) Act, 1868, and the Tweed Fisheries Act, 1857, for fishing with salmon roe, and for forcibly resisting water-bailiff, pleaded in defence of latter charge that bailiff had no power under the Acts to search person of accused, and that accused was entitled to resist. It was proved that bailiff had seen accused bait his hook with roe taken from a bag hanging round his neck, and that it was in attempting to get possession of bag that the assault had been committed. Held that the bailiff was entitled, both under the statutes and at common law, to seize the article, the use of which constituted the offence, and that his doing so was no justification of forcible resistance. 6th March 1878 : 5 Rettie (Just.), 21 ; 4 Couper, 20.

ENFORCEMENT OF BYELAWS, PROSECUTION OF OFFENCES, AND
RECOVERY OF PENALTIES.

Pars. 67, 68, & 69. 25 & 26 Vict. c. 97, §§ 28 & 29 ;
and 31 & 32 Vict. c. 123, § 30.

111. *Blair v. Sandeman & Lumsden*.—A complaint under the Summary Procedure Act, 1864, for contravention of byelaw relative to the construction and alteration of mill dams, &c., concluding for penalties, dismissed as incompetent on the ground that proceedings for enforcement of byelaw must first be taken under sect. 29th of 25 & 26 Vict. c. 97, the respondent, failing obedience under these, being then liable to be proceeded against under sect. 28th of that Act as kept in force by sect. 30th of 31 & 32 Vict. c. 123. 20th July 1869 : 7 M'Pherson, 1126 ; 1 Couper, 309.

Par. 68. 25 & 26 Vict. c. 97 § 28.

112. *Tough v. Jopp*.—Objections to a conviction on complaint for fishing with fly or stake-nets during weekly close time—(1) that the justices who heard the case were not the same justices who granted warrant to summon the appellant; (2) that the concurrence of the Procurator-Fiscal had not been obtained; and (3) that the *locus* was not sufficiently described—repelled. 28th April 1863: 35 Jurist, 472; 4 Irvine, 366.

***Greig v. Jopp*.**—In somewhat similar case to the immediately preceding, a conviction quashed on the ground that it did not appear from the judgment that the accused had knowledge of the nets being set. 28th April 1863: 35 Jurist, 473; 4 Irvine, 369.

***Blair v. Mitchell*.**—A prosecution for the contravention of 25 & 26 Vict. c. 97, held to be a criminal proceeding, and therefore accused party is not a competent witness for himself, and an appeal sustained on the ground that certain evidence had been improperly admitted at the trial. 9th July 1864: 36 Jurist, 714; 4 Irvine, 545.

Glen v. Colquhoun, &c.—Accused having pleaded *res judicata* in complaint for (1) fishing during weekly close time, and (2) fishing with a net having a mesh contrary to the Commissioners' byelaw, in respect they had already been tried and convicted on the same *species facti*, under § 27 of the 25 & 26 Vict. c. 97 (illegally fishing at night). Complaint was dismissed, but on appeal it was held that as regards fishing with an illegal net, complaint was not excluded by the previous proceedings, but *quoad ultra* it had been rightly dismissed. 6th October 1865: 38 Jurist, 9; 5 Irvine, 203.

***Carruthers & Wylie, &c., v. Jones*.**—Objections to complaint under Summary Procedure Act, for fishing with poke or other nets in the Solway Firth, (1) that an adjournment of diet before trial by one justice was incompetent; and (2) that the names of the justices before whom it was obtained were not inserted in the conviction—repelled. 1st June 1867: 39 Jurist, 448; 5 Irvine, 398.

***Hanvy & Orr v. Stirrat*.**—In a complaint for contravention of

Salmon Fishery Acts, it is not necessary for a private prosecutor to have any special interest, or to be present personally at the trial, and a conviction which neither directs forfeiture of the fish nor prescribes to whom the penalties shall be payable is sufficient—forfeiture of the fish following *ipso facto* upon conviction, and fines in all cases being payable to Clerks of Court. 30th October 1869: 8 M'Pherson, 84; 1 Couper, 334.

Par. 69. 31 & 32 Vict. c. 123, § 30.

113. *Jopp v. Pirries*.—Held (1) an appeal to Circuit Court competent to both parties, complainer as well as respondent; (2) appeal competent although no record of evidence taken where Sheriff had erred in construction of Act as to the amount of evidence necessary; and (3) that the oath of one credible witness sufficient in all cases, and not only where there is a *penuria testimonium*. 15th April 1869: 7 M'Pherson, 755; 1 Couper, 240.

M'Allister v. Cowan.—Conviction for selling unseasonable salmon set aside in respect Sheriff's sentence signed three days after date it bore, and remedy by way of appeal thereby curtailed. 16th July 1869: 7 M'Pherson, 1068; 1 Couper, 302.

Gemmell v. Hadden.—An offence under the Salmon Fisheries Act, 1868, may be prosecuted at the instance of the procurator-fiscal of the Justice of Peace Court. 10th July 1885: 12 Rettie (Just.), 43.

Haydon v. Cormack.—A conviction which imposed a fine, "and in respect that it was inexpedient to issue a warrant for pointing and sale" ordered the accused to be imprisoned for 14 days, held to be bad, because *ex facie* it ordered both fine and imprisonment. 15th March 1885: 22 Scottish Law Reporter, 563. (See also par. 106.)

Par. 82. 9 Geo. IV. c. 39, § 9.

114. There are a few early cases relating to procedure under this Act which it has been considered unnecessary to note.

[Cases under the special or local Acts (Tweed, &c.), have also been omitted.]

APPENDIX.

I.—9 GEORGE IV. c. 39.

An Act for the Preservation of the Salmon Fisheries in Scotland.—
[15th July 1828.]

WHEREAS by an Act passed in the Parliament of Scotland in the year one thousand four hundred and twenty-four, it was forbidden that any salmon be slain from the Feast of the Assumption of our Lady until the Feast of St Andrew in winter : And whereas sundry other laws and Acts were made and passed at divers times by the Parliament of Scotland anent the killing of salmon, kipper, red and black fish, in forbidden time, and the killing and destroying of the fry and smolts of salmon ; which laws and Acts were ratified, confirmed, and approved by an Act passed by the said Parliament in the year one thousand six hundred and ninety-six, intituled “Act against Killers of Black Fish, and Destroyers of the Fry and Smolts of Salmon :” And whereas it is expedient, for the preservation of the salmon fisheries in Scotland, that the penalties enacted by the said Acts should be augmented, and the period of the forbidden time altered and extended, and that sundry other regulations should be made : Be it therefore enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That *the said Act passed in the year one thousand four hundred and twenty-four shall be and the same is hereby repealed ; and that no salmon, grilse, sea-trout, nor other fish of the salmon kind, shall be taken in or from any river, stream, lake, water, or estuary whatsoever, or on any part of the sea-coast, between the four-*

1424, c. 35.

1696, c. 33.

Recited Act repealed.

No fish of the salmon kind to be taken be-

¹ Words in italic repealed—Stat. Law Rev. Act, 36 & 37 Vict. c. 91.

tween the
14th Sept.
and 1st
February.

Penalty on
taking or
fishing for
salmon
within the
above time.

Penalty on
trespassers.

Penalty
on taking
salmon fry,
spawn, &c.

Penalty on
taking
unclean
salmon.

Penalty for
using lights
to take fish.

teenth day of September and the first day of February in any year, by any person or persons; any law, statute, or practice to the contrary notwithstanding.

II.¹ *And be it further enacted, That if between the fourteenth day of September and the first day of February in any year, any person shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any river, stream, lake, water, or estuary, or on any part of the sea-coast, any salmon, grilse, sea-trout, or other fish of the salmon kind, such person shall forfeit and pay any sum not less than one pound and not exceeding ten pounds, for and in respect of each and every such offence, over and above forfeiting each and every such fish so taken, and each and every boat, net, or engine by which the same may have been taken.*

III. *And be it further enacted, That if any person shall, after the expiration of two months from and after the passing of this Act, trespass in any ground, inclosed or uninclosed, or in or upon any river, stream, watercourse, or estuary, with intent to kill salmon, grilse, sea-trout, or other fish of the salmon kind, such person shall forfeit and pay any sum not less than ten shillings and not exceeding five pounds.*

IV.¹ *And be it further enacted, That from and after the passing of this Act, if any person shall wilfully take, by any means or by any device, in or from any river, lake, stream, water, estuary, or sea-coast, or use, sell, purchase, or wilfully have in his possession, the spawn, smolts, or fry of salmon, or of any other fish of the salmon kind, or in any way or by any device wilfully obstruct the passage of the said smolts or fry, or injure or disturb any such spawn or fry, or any spawning bed, bank, or shallow where the same may be, such person shall forfeit and pay a sum not less than one pound and not exceeding ten pounds for each and every such offence.*

V.¹ *And be it further enacted, That from and after the passing of this Act, if any person shall at any time wilfully take, kill, destroy, or expose to sale, any red or black fish, or other foul, unclean, or unseasonable salmon, grilse, sea-trout, or fish of the salmon kind, such person shall forfeit and pay a sum not less than one pound and not exceeding two pounds for every fish so taken, killed, or destroyed, or exposed to sale.*

VI.¹ *And be it enacted, That from and after the passing of this Act, if any person shall use any light or fire of any kind, in or for the taking or with intent to take any salmon, grilse, sea-trout, or other fish of the salmon kind, such person shall forfeit and pay a sum not less than two pounds and not exceeding ten pounds for each and every such offence.*

VII. *And whereas by an Act passed in the Parliament of Scotland in the year one thousand four hundred and seventy-seven, intituled "Anent Cruves," it is inter alia ordained, that they that hes cruves in fresh*

¹ Clauses II., IV., V., and VI. repealed—Stat. Law Rev. Act, 36 & 37 Vict. c. 91.

waters, gar keip the lawes anent Satterdaies slop, and suffer them not to stand in forbidden time; and that ilk heck of the said cruves be three inche wide, and quha that beis convict thereof, to pay five pund: And whereas it is expedient that the said penalty of five pounds Scots money should be augmented; be it therefore enacted, that from and after the passing of this Act, if any owner or occupier of cruves shall offend against the said law, such person shall forfeit and pay a sum not less than five pounds nor exceeding twenty pounds sterling for every such offence.

Saturday's
slop to be
kept.
1477, c. 73.

VIII.¹ And be it further enacted, That every occupier of any fishery shall and is hereby required to remove and carry away from such fishery, and from the landing places and grounds adjacent thereto, all boats, oars, nets, engines, and other tackle used and employed by such occupier in the taking and killing such fish as aforesaid, on or before the commencement of the close time, or otherwise effectually to secure the same so as to prevent their being used in fishing, until the end of the close time; and in case any such occupier shall neglect or refuse so to remove or secure all and every such boats, oars, nets, engines, or other tackle as aforesaid, and to keep the same secure and apart from the said fisheries during the time aforesaid, such person so refusing or neglecting, and being convicted thereof, shall for such offence, and for every subsequent neglect after notice given, forfeit and pay a sum not less than forty shillings and not exceeding ten pounds: Provided always, that nothing herein contained shall be construed or taken to prevent any proprietor of lands from continuing any such boat or boats for the use of himself or herself, or any of his or her family, if such boat or boats shall have the name of the proprietor painted thereon.

Boats to be
removed in
close time.

Proprietors
of lands may
continue
boats for
their own
use.

IX. Provided always, and be it enacted, That each and every penalty provided by this Act, shall go to the informer, and may and shall be recoverable, with expenses, as well before the sheriff as before the justices of the peace of any county as aforesaid wherein the same may be incurred, or where the offender shall reside, at the instance of any person or persons who shall prosecute for the same; and in prosecutions for the different penalties imposed by this Act, or any other Act for the preservation of the salmon fisheries in Scotland, it shall be lawful for the sheriff or justices before whom any complaint for the recovery thereof may be brought, to proceed in a summary way, and to grant warrant for bringing the parties complained upon immediately before them, and on proof on oath by one or more credible witnesses, or confession of the offence, or other legal evidence, forthwith to determine and give judgment in such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of all penalties and expenses decerned for, failing payment within fourteen days after con-

Recovery
and applica-
tion of pen-
alties.

¹ Clause VIII. repealed—Stat. Law Rev. Act, 36 & 37 Vict. c. 91.

viction, by poiding and imprisonment, for a period, at the discretion of the sheriff or justices, not exceeding six months, it being hereby provided that a record shall be preserved of the charge and of the judgment pronounced ; and any person or persons who shall think himself, herself, or themselves aggrieved by any judgment of any sheriff or justices, pronounced in any case arising under this Act, or by assessment made under this Act, in Scotland, may appeal to the Commissioners of Justiciary at their next Circuit Court, or where there are no Circuit Courts, to the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of King George the Second, for taking away and abolishing the heritable jurisdictions in Scotland ; with this variation, that such person or persons shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties, and expenses, awarded against him, her, or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses that shall be awarded by the Circuit Court on dismissing the said appeal or appeals ; and it shall not be competent to appeal from or bring the judgments of any justices or sheriff acting under this Act under review, by advocacy or suspension, or by reduction, or in any other way than as herein provided.

Two proprietors of fisheries on any river in Scotland may call meetings of other proprietors on the same, in order to assess them for the purposes of this Act.

X. And be it enacted, That it shall be lawful, in Scotland, for any two proprietors of salmon fisheries in any river, or any stream, lake, water, or estuary communicating therewith, from time to time to call meetings of all the other proprietors of salmon fisheries in such river, and the several streams, lakes, waters, and estuaries communicating therewith, or on the sea-coast within five miles of the mouth of such river or estuary, by three several advertisements in any newspaper published in the county where such meeting is to be held, or if no newspaper be there published, then in any newspaper published in any adjoining county, and also in one Edinburgh newspaper, fourteen days before such meeting shall be held ; at which meetings it shall be lawful for the majority of proprietors in number and value attending, or authorising their factors or other proprietors by a written mandate to act for them, to assess the whole proprietors of salmon fisheries in such river, stream, lake, water, or estuary, and on the sea-coast within five miles of the mouth of such river or estuary, in such sums as they shall think fit, rateably according to the real rents of their fisheries, for the purpose of enforcing this Act, and the other laws regulating salmon fisheries ; and it shall be lawful for such meetings to appoint and pay clerks, water-bailiffs, and other officers, as they shall see cause ; and all such assessments shall be recoverable in the Sheriff's Court, at the instance of any clerk or other person authorised by

any such meeting, in the same manner and under the same provisions and regulations as small debts are now recovered by the Act passed in the sixth year of the reign of his present Majesty, intituled "An Act for the more easy Recovery of Small Debts in the Sheriff Courts in Scotland;" and this notwithstanding the amount of such assessment shall exceed eight pounds: Provided always, that if any salmon fishery on the sea-coast shall be within five miles of the mouths of more than one river or estuary, the proprietor of such fishery shall be liable in one assessment only for such fishery, and shall be at liberty to make his election of any one such river or estuary in connection with which he shall be assessed.

6 G. 4. c. 24.

Proviso as to fisheries situate within five miles of the mouths of more than one river.

Apprehension of offenders.

XI. And be it further enacted, That it shall be lawful for any person, without any warrant or other authority than this Act, *brevi manu*, to seize and detain any person who shall be found committing any offence against this Act, and to carry such person before any justice of the peace or other magistrate, or to deliver such person to a constable, who is hereby required to carry such person before a justice of the peace or magistrate, who shall forthwith examine and discharge, or commit such person until caution *de judicio risti* be found, as the case may require.

Justices though interested in fisheries, may act.

XII. And be it enacted, That all justices of the peace and other magistrates shall and may act in the execution of this Act, notwithstanding such justice or magistrate shall be interested in any salmon fishery, except in any case where such justice or magistrate, or his tacksmen, is a party in the prosecution or case to be heard and determined by such justice or magistrate; and also that every owner or occupier of, or any person otherwise interested in any salmon fishery, shall and is hereby declared not to be an incompetent witness to prove any offence committed against this Act, by reason of being such owner or occupier so interested.

Owners not incompetent witnesses.

XIII. And be it further enacted, That no prosecution or other proceeding whatever shall be brought or commenced against any person or persons for any offence or offences against this Act, unless the same shall be laid or commenced within six calendar months after any such offence or offences shall have been committed; and provided that where any offender shall be punished by virtue of this Act, he shall not incur the penalty of any other law or statute for the same offence.

Limitation of actions.

XIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to England, Ireland, Wales, or Berwick-upon-Tweed, or to the fisheries in the river Tweed, or in any of the streams and waters that run into or communicate therewith or to the fisheries in the arm of the sea between the county of Cumberland and the counties of Dumfries and Wigtown and the Stewartry of Kirkcudbright, or the fisheries in the several streams and waters which run into or communicate with the said arm of the sea.

Act not to extend to England, Ireland, Wales, &c.

II.—7 & 8 VICTORIA, c. 95.

An Act to amend an Act of the Ninth Year of King George the Fourth, for the Preservation of the Salmon Fisheries in Scotland.
—[9th August 1844.]

9 G. 4. c. 39. WHEREAS an Act was passed in the ninth year of the reign of His Majesty King George the Fourth, intituled "An Act for the Preservation of the Salmon Fisheries in Scotland:" And whereas it is expedient to prevent the destruction of salmon, or fish of the salmon kind, in the sea or shores thereof: And whereas doubts are entertained of the provisions of the said Act being applicable to the sea or sea-shore: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person not having a legal right or permission from the proprietor of the salmon fishery shall from and after the passing of this Act wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any river, stream, lake, water, estuary, firth, sea loch, creek, bay, or shore of the sea, or in or upon any part of the sea, within one mile of low-water mark, in Scotland, any salmon, grilse, sea-trout, whitling, or other fish of the salmon kind, such person shall forfeit and pay a sum not less than ten shillings and not exceeding five pounds for each and every such offence, and shall, if the sheriff or justices shall think proper, over and above forfeit each and every fish so taken, and each and every boat, boat tackle, net, or other engine used in taking, fishing for, or attempting to take fish as aforesaid; and it shall be lawful for any person employed in the execution of this Act to seize and detain all fish so taken, and all boats, tackle, nets, and other engines so used, and to give information thereof to the sheriff or any justice of the peace, and such sheriff or justice may give such orders concerning the immediate disposal of the same as may be necessary.

Persons fishing for salmon within one mile of the shore, not having a legal right or permission, liable to penalty.

II. And be it enacted, That the regulations as to the recovery and application of penalties and the apprehension of offenders, and all other enactments and provisions of the said recited Act, shall extend and apply to what is herein above enacted, and this Act shall be construed and applied in the same manner and in all respects as if it had formed part of the *said recited Act*.¹

III. And be it enacted, That nothing herein contained shall be construed

¹ For construction of words in *italic*, see § 25, 31 & 32 Vict. c. 123.

as depriving any proprietor of salmon fishery of any right now by law vested in such proprietor to prevent any person from fishing either within or beyond the limits specified in this Act. Saving rights of proprietors.

IV. And be it enacted, That nothing herein contained shall affect the rights or property of the Crown. Saving rights of the Crown.

III.—25 & 26 VICTORIA, c. 97.

An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland.—[7th August 1862.]

WHEREAS it is expedient that the Acts relating to the salmon fisheries in Scotland should be amended, and that further provision should be made for the regulation of fisheries, the removal of obstructions, and the prevention of illegal fishing: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as "The Salmon Fisheries (Scotland) Act, 1862." Short title

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context: Interpretation of terms.

"Commissioners" shall mean the Commissioners appointed and acting under the authority of this Act for the time being:

"Clerk" shall mean the clerk to be appointed by any district board:

"Sheriff" shall mean the sheriff of the county in Scotland of which he is sheriff, and shall include sheriff's substitute:

"Justice" or "justices" shall mean any justice or justices of the peace acting for the county, city, or burgh where the matter requiring the cognisance of such justice or justices shall arise:

"Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

"Proprietor" or "proprietors" shall mean and include any person, company, or corporation who is the proprietor of a salmon fishery, or who receives or is entitled to receive the rents of such fishery on his or their own account, or as trustee, guardian, or factor for any person, company, or corporation, and shall also include Her Majesty in right of her crown:

"Byelaw" and "byelaws" shall include all rules, orders, and regulations made by the Commissioners under the authority of this Act :

"Salmon" shall mean and include salmon, grilse, sea-trout, bull trout, smolts, parr, and other migratory fish of the salmon kind :

"Fisheries" and "fishery" shall mean salmon fisheries and a salmon fishery in any river or estuary or in the sea :

"River" shall include tributaries and any lake from or through which any river flows :

"Valuation roll" shall mean the valuation roll in force for the time for any county, and each of the royal burghs therein, made up under the authority of the Public General Act seventeenth and eighteenth Victoria, chapter ninety-one, or any other Act relating to the valuation of lands and heritages in Scotland which may be in force for the time.

Commence-
ment of
Act.

III. The enactments and provisions of this Act with respect to the appointment, powers, and duties of the Commissioners, and the election, powers, and duties of district boards, shall come into operation and take effect from and after the passing of this Act, and all the other enactments and provisions of this Act shall come into operation and take effect from and after the first day of January one thousand eight hundred and sixty-three.

Each river
and estuary,
and the
sea-coasts
adjoining,
to be a
district.
Commis-
sioners to be
appointed
by Secretary
of State.

IV. Each river in Scotland flowing into the sea, and every tributary stream or lake flowing into or connected with such river, and the mouth or estuary of such river, and the sea-coasts adjoining thereto, divided into such portions as may be fixed and defined by the Commissioners under the authority of this Act, shall form a district for the purposes of this Act.

V. It shall be lawful for the Secretary of State to appoint three Commissioners for the purposes of this Act, who shall be paid at such rate, not exceeding three pounds per day each, as the Commissioners of the Treasury may direct, the whole amount to be received by each Commissioner not exceeding three hundred and fifty pounds per annum, over and above such travelling expenses as the Commissioners of the Treasury may sanction : Provided that the duration of the office of such Commissioners shall in no case extend beyond three years.

Duties of
Commis-
sioners.

VI. The Commissioners shall have the powers and perform the duties hereinafter specified ; that is to say,

(1.) To fix and define, for the purposes of this Act and the other Acts relating to salmon and salmon fisheries in Scotland, the natural limits which divide each river in Scotland (including the estuary thereof) from the sea, in so far as the same may not be already fixed by statute or by judicial decision :

(2.) To fix, for the purposes of this Act, the limits of the Solway Firth having regard to an Act passed in the forty-fourth year of the reign of His Majesty King George the Third, chapter forty-five :

- (3.) To fix, for the purposes of this Act, the limits of every district, and the portions of the sea-coast adjoining to the mouth or estuary of any river to be included in such district:
- (4.) To fix, for the purposes of this Act, a point on each river (including the estuary thereof) below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors:
- (5.) To determine, subject to the provisions of this Act, at what dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take salmon with the rod and line: Provided that the number of days during which such annual close time shall continue shall be the same as regards every district:
- (6.) To make general regulations with respect to the following matters; viz.,

The due observance of the weekly close time:

The construction and use of cruives:

The construction and alteration of mill dams or lades, or water wheels, so as to afford a reasonable means for the passage of salmon:

The meshes of nets (so that they shall not intercept smolts or salmon fry):

Obstructions in rivers or estuaries to the passage of salmon:

Provided that such regulations shall not interfere with any rights held at the time of the passing of this Act under royal grant or charter, or possessed for time immemorial.

VII. The annual close time for every district shall continue for one hundred and sixty-eight days; and the weekly close time, except for rod and line, shall continue from the hour of six of the clock on Saturday night to the hour of six of the clock on Monday morning; but the Commissioners shall have power, on the application of the district board, or of any two proprietors of fisheries in any district, to vary the period at which the weekly close time shall commence in any district, or any part thereof, in so far as they may think reasonable or expedient: Provided that such weekly close time shall in no case be less than thirty-six hours.

Annual and weekly close time.

VIII. The annual close time shall be applicable to every mode of fishing for or taking salmon in any river, lake, or estuary, or in the sea, except by means of the rod and line for the periods in each district to be fixed by the Commissioners subsequent to the commencement and prior to the termination of the annual close time during which it shall be lawful to fish for and take salmon by means of the rod and line.

Application of annual close time.

IX. In regard to any river and estuary which are regulated by any local

"Byelaw" and "byelaws" shall include all rules, orders, and regulations made by the Commissioners under the authority of this Act :

"Salmon" shall mean and include salmon, grilse, sea-trout, bull trout, smolts, parr, and other migratory fish of the salmon kind :

"Fisheries" and "fishery" shall mean salmon fisheries and a salmon fishery in any river or estuary or in the sea :

"River" shall include tributaries and any lake from or through which any river flows :

"Valuation roll" shall mean the valuation roll in force for the time for any county, and each of the royal burghs therein, made up under the authority of the Public General Act seventeenth and eighteenth Victoria, chapter ninety-one, or any other Act relating to the valuation of lands and heritages in Scotland which may be in force for the time.

Commence-
ment of
Act.

III. The enactments and provisions of this Act with respect to the appointment, powers, and duties of the Commissioners, and the election, powers, and duties of district boards, shall come into operation and take effect from and after the passing of this Act, and all the other enactments and provisions of this Act shall come into operation and take effect from and after the first day of January one thousand eight hundred and sixty-three.

Each river
and estuary,
and the
sea-coasts
adjoining,
to be a
district.
Commis-
sioners to be
appointed
by Secretary
of State.

IV. Each river in Scotland flowing into the sea, and every tributary stream or lake flowing into or connected with such river, and the mouth or estuary of such river, and the sea-coasts adjoining thereto, divided into such portions as may be fixed and defined by the Commissioners under the authority of this Act, shall form a district for the purposes of this Act.

V. It shall be lawful for the Secretary of State to appoint three Commissioners for the purposes of this Act, who shall be paid at such rate, not exceeding three pounds per day each, as the Commissioners of the Treasury may direct, the whole amount to be received by each Commissioner not exceeding three hundred and fifty pounds per annum, over and above such travelling expenses as the Commissioners of the Treasury may sanction : Provided that the duration of the office of such Commissioners shall in no case extend beyond three years.

Duties of
Commis-
sioners.

VI. The Commissioners shall have the powers and perform the duties hereinafter specified ; that is to say,

- (1.) To fix and define, for the purposes of this Act and the other Acts relating to salmon and salmon fisheries in Scotland, the natural limits which divide each river in Scotland (including the estuary thereof) from the sea, in so far as the same may not be already fixed by statute or by judicial decision :
- (2.) To fix, for the purposes of this Act, the limits of the Solway Firth having regard to an Act passed in the forty-fourth year of the reign of His Majesty King George the Third, chapter forty-five :

- (3.) To fix, for the purposes of this Act, the limits of every district, and the portions of the sea-coast adjoining to the mouth or estuary of any river to be included in such district :
- (4.) To fix, for the purposes of this Act, a point on each river (including the estuary thereof) below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors :
- (5.) To determine, subject to the provisions of this Act, at what dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take salmon with the rod and line : Provided that the number of days during which such annual close time shall continue shall be the same as regards every district :
- (6.) To make general regulations with respect to the following matters ; viz.,

The due observance of the weekly close time :

The construction and use of cruives :

The construction and alteration of mill dams or lades, or water wheels, so as to afford a reasonable means for the passage of salmon :

The meshes of nets (so that they shall not intercept smolts or salmon fry) :

Obstructions in rivers or estuaries to the passage of salmon :

Provided that such regulations shall not interfere with any rights held at the time of the passing of this Act under royal grant or charter, or possessed for time immemorial.

VII. The annual close time for every district shall continue for one hundred and sixty-eight days ; and the weekly close time, except for rod and line, shall continue from the hour of six of the clock on Saturday night to the hour of six of the clock on Monday morning ; but the Commissioners shall have power, on the application of the district board, or of any two proprietors of fisheries in any district, to vary the period at which the weekly close time shall commence in any district, or any part thereof, in so far as they may think reasonable or expedient : Provided that such weekly close time shall in no case be less than thirty-six hours.

Annual and weekly close time.

VIII. The annual close time shall be applicable to every mode of fishing for or taking salmon in any river, lake, or estuary, or in the sea, except by means of the rod and line for the periods in each district to be fixed by the Commissioners subsequent to the commencement and prior to the termination of the annual close time during which it shall be lawful to fish for and take salmon by means of the rod and line.

Application of annual close time.

IX. In regard to any river and estuary which are regulated by any local

Present annual close times to subsist until altered under this Act.

Act relating thereto the annual close time fixed by such Act, and in regard to all other rivers, estuaries, and sea-coasts in Scotland the annual close time fixed by the Public General Act ninth George the Fourth, chapter thirty-nine, shall respectively be applicable until the annual close time with respect to any such river, estuary, or sea-coast shall be otherwise determined by any byelaw made by the Commissioners under the authority of this Act.

Fishing illegal where prohibited by existing Acts.

X. It shall not be lawful to fish for or take salmon at any place or by any mode prohibited by any statute relating to salmon or salmon fisheries in Scotland subsisting and in force at the date of the passing of this Act ; and nothing contained in this Act or in any byelaw made by the Commissioners shall render legal any mode of fishing which was or would have been illegal at the date of the passing of this Act.

Penalties for offences.

XI.¹ Every person who commits any of the following offences shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every salmon taken or killed contrary to the provisions of this Act, or of any byelaw made by the Commissioners under the authority of this Act ; and shall, in addition to such penalties, at the discretion of the magistrate, forfeit every boat, net, rod, line, or other article which has been or may be used in fishing for or taking salmon, and which is found in the possession of such person at the time of the committing such offence ; that is to say,

Every person who fishes for or takes salmon during the annual close time by any means other than the rod and line :

Every person who fishes for or takes salmon, except during Saturday or Monday, by rod and line, during the weekly close time, or acts in breach or contravention of any byelaw made by the Commissioners in regard thereto :

Every person who fishes for or takes salmon during the annual close time by means of the rod and line at a period not sanctioned by the Commissioners :

Every person who fishes for salmon with a net having a mesh contrary to any byelaw of the Commissioners :

Every person who obstructs or impedes the passage of salmon contrary to any byelaw of the Commissioners :

Every person who sells or exposes for sale fresh salmon taken within the limits of this Act during the period between the commencement of the latest and the termination of the earliest annual close time which may have been fixed for any district ; but the burden of proving that salmon so sold or exposed by any person for sale have been caught beyond the limits of this Act shall lie on the person selling or exposing the same for sale :

¹ Clause XI. repealed, § 15, 81 & 82 Vict. c. 123.

Every person who takes or has in his possession any foul or unseasonable salmon :

Every person who uses or has in his possession any light for the purpose and with the intention of taking salmon :

Every person who sets a net or any other engine for capture of salmon when the fish show themselves when leaping at or trying to ascend any fall or other impediment :

Every person who wilfully takes or destroys or injures or obstructs the passage of the young of salmon, or disturbs any spawning bed, or any bank or shallow on which the spawn of salmon may be deposited ; but this provision shall not apply to acts done for the purpose of the artificial propagation of salmon or for other scientific purposes, or in the course of the exercise of rights of property in the bed of any stream : Provided also, that the district board may, with the consent of all the proprietors of salmon fisheries in any river or estuary, adopt such means as they think fit for preventing the ingress of salmon into narrow streams or tributaries in which they or the spawning beds are, from the nature of the channel, liable to be destroyed, but always so that no water rights used or enjoyed for the purposes of manufactures or agricultural purposes or drainage shall be interfered with thereby.

XII.¹ *Every person who uses salmon roe for the purpose of fishing, or has in his possession any salmon roe for sale or for the purpose of fishing, shall for every such offence be liable to a penalty not exceeding two pounds, and shall forfeit any salmon roe found in his possession.*

Penalty for using or possessing salmon roe.

XIII. *Every person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any river containing salmon any liquid or solid matter poisonous or deleterious to salmon, ² or who shall discharge into any river sawdust to an extent injurious to any salmon fishery, shall be liable to the following penalties; (that is to say,)*

Penalty for causing or allowing poisonous substances to flow into rivers.

For the first offence a penalty not exceeding five pounds :

For the second offence a penalty not exceeding ten pounds, and a further penalty not exceeding two pounds for every day during which such offence is continued :

For the third or any subsequent offence a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day during which such offence is continued :

But no person shall be subject to the foregoing penalties for any act done in the exercise of any right to which he is by law entitled, if he prove to the satisfaction of the Court before whom he is tried that he has used the best practicable means, within a reasonable cost, to dispose of or render harmless the liquid or solid matter so permitted to flow or to be put into

¹ Clause XII. repealed, § 15, 81 & 82 Vict. c. 123.

² Words in italic repealed, § 16, 81 & 82 Vict. c. 123.

waters; but nothing herein contained shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not passed, or exempt any person from any punishment to which he would otherwise be subject, or legalise any act or default that would but for this Act be contrary to law.

Commissioners to visit and report on rivers and estuaries.

XIV. The Commissioners shall visit and report on the several rivers and estuaries and salmon fisheries in Scotland, after notice duly given by special advertisement in some newspaper of general circulation in the district, not less than ten days before any such visitation, to the proprietors of salmon fishings on each of such rivers or estuaries, of their intention so to visit and report.

Commissioners to make byelaws on matters specified in third and fourth subdivisions of sixth section of this Act.

XV. The Commissioners shall, on or before the first day of January one thousand eight hundred and sixty-three, fix and determine by byelaws the matters specified in the third and fourth subdivisions of the sixth section of this Act; and a copy of such byelaws applicable to each district shall be, prior to the said date, transmitted by post to the sheriff-clerk of each county, in so far as the same may relate to a district or part of a district situate therein; and the sheriff-clerk shall, on receipt of such copy, give notice of such byelaws by advertisement inserted once for each of two successive weeks in some newspaper published in such county, or, if no newspaper be published therein, in some newspaper published in a county adjoining thereto; and every person whose interests may be affected by any such byelaws may state to the Secretary of State any objections to any such byelaw; and the Secretary of State shall, after one month after the date of such byelaws, approve or alter or disapprove of the same; and every such byelaw, when approved of or altered by the Secretary of State, shall be published in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: Provided that in the case of such districts in which by reason of their inconsiderable size it may seem to the Commissioners unnecessary to determine such matters, they may defer doing so until required by more than six proprietors of fisheries within the same, after the limits of such district have been defined, as hereinafter provided, and shall proceed, in other respects, as above provided.

Commissioners to make byelaws on the other matters specified in sixth section.

XVI. The Commissioners shall, on or before the first day of January one thousand eight hundred and sixty-four, determine the other matters specified in the sixth section of this Act, by byelaws under their hands, or the hand of any two of them, and shall report the same to the Secretary of State; provided that previously to making such byelaws they shall communicate the same to the district board, and afford the board reasonable opportunity of making any representation to the Commissioners respecting the same; and a copy of such byelaws shall be transmitted to the

sheriff-clerk of each county, in so far as the same may relate to any district situated therein; and the sheriff-clerk shall, on the receipt of such copy, give notice of such byelaws by advertisement inserted once for each of two successive weeks in some newspaper published in such county, or, if no newspaper be published therein, in some newspaper published in a county adjoining thereto; and every person whose interests may be affected by any such byelaws may state to the Secretary of State any objections to any such byelaw; and the Secretary of State shall, after two months and within four months after the date of such byelaws, approve or alter or disapprove of the same; and every such byelaw, when approved of or altered by the Secretary of State, shall be published in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned.

XVII. The Commissioners, in execution of this Act, shall take such evidence as they may find to be necessary, and in the event of witnesses refusing to attend and give evidence, or to allow access to documents, they may apply to the sheriff of the county for a warrant to cite witnesses and havers, and the sheriff is hereby authorised to grant the same.

As to evidence to be taken by Commissioners.

XVIII. Within three months after any byelaw constituting the district shall have been published the sheriff shall direct the sheriff-clerk to make up a roll of the upper proprietors and also a roll of the lower proprietors in each district; and the qualification of an upper proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty pounds or upwards, or, if such fishery be not valued on the valuation roll, of half a mile of frontage to the river, with a right of salmon fishing, and the qualification of a lower proprietor shall be the property of a fishery entered in the valuation roll as of the yearly rent or yearly value of twenty pounds or upwards; and the sheriff shall have power to decide summarily any question arising on any claim to such qualification; and the sheriff shall thereafter direct the sheriff-clerk to call a meeting of the upper proprietors, and also a meeting of the lower proprietors, at such times and places as he shall direct; and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws made by the Commissioners; and the upper proprietors and lower proprietors present at such separate meetings respectively shall elect not more than three of their number to be members of the district board, every proprietor of a fishery valued at more than five hundred pounds on the valuation roll having two votes at such election, and an additional vote for every five hundred pounds of rental, but not more than four votes in all; and the members so elected with the proprietor having the largest amount entered in the valuation roll as the yearly rent or yearly value of fisheries in such district shall constitute the district board;

As to the election of district boards.

and the last-mentioned proprietor shall be the chairman of the board, and have a deliberative as well as a casting vote ; and the election of such board shall be notified by the chairman of such respective meetings to the sheriff-clerk within seven days from the date of the same, and ¹*the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix* : Provided always, that if any river be situate in two or more counties, the notices above provided shall be given and such meetings shall be called in such manner as the sheriffs of such counties jointly shall direct.

Constitution of the board where proprietors are less in number than three.

Their votes.

XIX. If in any district the upper proprietors or the lower proprietors shall be fewer in number than three, the board shall consist of an equal number, elected as aforesaid, along with the proprietor having the largest valuation, who shall also be chairman of the board, as above provided ; and if such last-mentioned proprietor be the sole upper or the sole lower proprietor, he shall have two votes on the board ; and if there shall be only one proprietor in any district such proprietor shall have and may exercise all the powers by this Act conferred on the district board.

Mandatory may be appointed.

XX. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in cases where Her Majesty in right of her crown is proprietor of any fishery, and for any corporation or company, being the proprietors of any fishery, or for any proprietor of a fishery, respectively, from time to time to nominate and appoint, by any writing under his or their hand or seal, any person as the mandatory of such Commissioners, corporation, company, or proprietor to attend, act, and vote at any meeting of proprietors under this Act ; and every such nomination and appointment shall subsist until recalled by the said Commissioners or either of them, or by the corporation or company or proprietor making the same.

Payment to sheriff-clerk in connection with elections.

XXI. All expenses incurred by the sheriff-clerk in making up the roll of proprietors, and in calling and attending the meetings for the election of the district board, with such reasonable remuneration for his time and trouble as shall be fixed by the sheriff, shall be paid to the sheriff-clerk by the district board out of the assessments to be levied under the authority of this Act.

Powers and duties of district boards.

XXII. The district board may sue or be sued in the name of their clerk, and if there be more than six members three members shall form a quorum, and if there be fewer than six members two shall form a quorum, and they shall keep regular books and accounts, and shall hold their first meeting within ten days after the first election under this Act at a time and place to be fixed at the meetings of proprietors at which such election took place, or in cases where such election is not necessary the first meeting shall take place at a time to be fixed by a majority of the pro-

¹ Words in italic repealed, § 2, 26 & 27 Vict. c. 50.

prietors, and notice of such meeting shall be given as hereinbefore provided with respect to the publication of byelaws to be made by the Commissioners; and the district board shall have power, subject to the provisions of this Act and the byelaws made by the Commissioners, *to make and alter from time to time regulations for the preservation of the fisheries in the district*, and from time to time to appoint a clerk, and such number of constables, water-bailiffs, watchers, and other officers as they think fit, to fix and prescribe the duties of all persons appointed by them, and to remove such persons, and appoint other persons in their stead; and they may combine with any other district board for the purpose of this Act, and to maintain a common staff of officers for the protection and preservation of the fisheries of more than one district, and may agree with the police committee of any county for the purpose of paying additional constables for the better protection of the fisheries in their district: Provided that all such regulations shall, before taking effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested right of property, and shall not authorise any encroachment or trespass on private property.

XXIII. The district board shall have power to impose an assessment for the purposes of this Act, to be called the fishery assessment, on the several fisheries in each district, according to the yearly rent or yearly value of such fisheries as entered in the valuation roll; and every proprietor of a fishery which is not valued on the valuation roll, and who shall claim right to vote in the election of members of the district board, shall be held to be a proprietor of a fishery of the value of twenty pounds, and shall be assessed accordingly; and such fishery assessments may be imposed, collected, and recovered by the district board in the same manner as police assessments may be imposed, collected, and recovered by the Commissioners of Supply under the authority of the Public General Act, twentieth and twenty-first Victoria, chapter seventy-two; and for the purpose of imposing, collecting, and recovering such fishery assessments the district boards shall have and may exercise all the powers conferred by the said Act on Commissioners of Supply for imposing, collecting, and recovering the assessments leviable under the same.

Assessments may be imposed by district boards.

XXIV. Each district board shall continue in office for three years, and members thereof shall be eligible for re-election, and vacancies occurring during such period shall be filled up by the board until the next meeting of proprietors, who shall then fill up the same; and meetings of the upper and lower proprietors respectively for the purpose of each triennial election of not more than three upper proprietors and three lower proprietors respectively shall be called by the clerk, who shall give notice of such meetings by advertisement as hereinbefore provided with respect

As to future elections of district boards.

¹ Words in italic repealed, § 42, 31 & 32 Vict. c. 123.

to the publication of byelaws made by the Commissioners; and such meetings shall at the same time take such steps as they shall think proper for auditing and attesting the accounts of the district board for the preceding three years.

Penalties for breach of byelaws and regulations.

XXV.¹ *It shall be lawful for the district board, by any byelaw or regulation to be made by them and approved of by the Secretary of State as herein before provided, to enact that any person committing any breach or contravention of such byelaw or regulation shall be liable for every such offence to a penalty not exceeding two pounds; and such penalty may be sued for and recovered in the same manner as penalties incurred and imposed under the provisions of this Act.*

Forfeited articles may be seized.

XXVI. Any net, rod, line, or other article directed to be forfeited under this Act may be seized by any constable, water-bailiff, watcher, or other officer appointed by the district board, and the sheriff or justice may either order the same to be destroyed or to be sold, and the proceeds of such sale to be paid to the clerk on behalf of the district board.

Three or more persons illegally fishing at night to be guilty of a criminal offence.

XXVII. If three or more persons acting in concert, or being together or in company, shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any river or estuary or the sea, or in or upon any river or estuary or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be guilty in Scotland of a criminal offence, and in England within the limits of the "Tweed Fisheries Amendment Act" of a misdemeanor, and shall for every such offence be liable to a fine not exceeding five pounds, or to imprisonment for any period not exceeding three months, as the sheriff or justices before whom such persons or any of them are tried and convicted may determine; and if such fine be not paid immediately on conviction, the offender so failing to pay shall be sentenced to imprisonment for such period, not exceeding three months, as the sheriff or justices may adjudge, unless such fine shall be sooner paid.

Prosecution for offences under this Act, and recovery of penalties.

XXVIII. All offences under this Act may be prosecuted and all penalties incurred under this Act may be recovered before any sheriff or any two justices acting together and having jurisdiction in the place where the offence was committed, at the instance of the clerk of any district board or of any other person; and it shall be lawful for the sheriff or justices to whom any petition or complaint is presented to proceed in a summary form, and to grant warrant for bringing the persons complained against

¹ Clause XXV. repealed, § 42, 31 & 32 Vict. c. 123.

fore him or them, and on proof on oath by one or more credible witnesses or confession of the person accused, or other legal evidence, with to determine and give judgment in such complaint, without any written pleadings or record of evidence, other than a record of the charge and of the judgment pronounced thereon, and to grant warrant for the recovery of all penalties and expenses decreed for, by pointing, and imprisonment for any period not exceeding six months; and any person who shall think himself aggrieved by any judgment of the sheriff or justices pronounced in any complaint or prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at Edinburgh in the manner and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, for taking away and abolishing heritable jurisdictions in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty and expenses awarded against him by the judgment appealed from, in the event of such appeal being dismissed, together with any additional expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such appeal; and it shall not be competent to appeal from or bring the judgments of any sheriff or justices acting under this Act under review by advocacy or in any other way than as herein provided.

XXIX. In the event of any person refusing or neglecting to obey any byelaw made by the Commissioners, or any regulation made by the district board, the clerk may apply to the sheriff by summary petition in ordinary form, praying to have such person ordained to obey the same, and the sheriff shall take such proceedings and make such orders thereupon as he shall think just.

Enforcement of regulations and by-laws.

XXX. In giving judgment on any application or complaint under this Act the sheriff or justices may find the person complained against liable in expenses, and may decree for payment of the same.

Expenses may be decreed for.

XXXI. All penalties and expenses incurred under this Act, or under any byelaw or regulation made under the authority thereof, may be recovered by ordinary action or in the Small Debt Court of the sheriff.

Recovery of penalties and expenses.

XXXII. The penalties incurred under this Act shall in all prosecutions at the instance of the clerk of any district board be payable to and recoverable by such clerk, and shall in all other cases be paid and applied in such manner as the sheriff or justices may direct; and all penalties and expenses received by the clerk, and the proceeds of the sale of any articles seized and directed to be sold as before provided, shall be applied by the district board towards defraying the expenses incurred by them in carrying into execution the provisions of this Act.

Payment and application of penalties.

Certain provisions of Act 24 & 25 Vict. c. 109, applied to Solway Firth.

XXXIII. From and after the first day of January one thousand eight hundred and sixty-five the provisions of the *said Act*,¹ intituled "An Act to amend the Laws relating to Fisheries of Salmon in England," shall extend and apply to salmon fisheries in the waters and on the shores of the Solway Firth situate in Scotland, as the same may be fixed by authority of this Act, and to the rivers flowing into the same, in so far as such provisions relate to the use of fixed engines for the taking of salmon: Provided that all offences against such provisions shall be prosecuted and punished as directed by this Act.

This Act not to apply to the River Tweed.

XXXIV. No part of this Act, with the exception of the tenth, twelfth, and twenty-seventh clauses, shall apply to the River Tweed, or to any fisheries in the said river or the mouth or entrance thereof, as defined by "The Tweed Fisheries Amendment Act, 1859;" and any penalties incurred under the said tenth, twelfth, and twenty-seventh clauses of this Act shall, so far as concerns the River Tweed, be recoverable in manner prescribed by the Tweed Fisheries Amendment Act, 1857, which Act and the Tweed Fisheries Amendment Act, 1859, shall remain in full force and effect, anything herein contained to the contrary notwithstanding.

IV.—26 VICTORIA, c. 10.

An Act for prohibiting the Exportation of Salmon at certain Times.— [20th April 1863.]

24 & 25 Vict.
c. 109.

25 & 26 Vict.
c. 97.

22 & 23 Vict.
c. 70.

WHEREAS the sale of salmon within the United Kingdom is prohibited at various times; that is to say, if caught in England within the limits of the Salmon Fishery Act, 1861, is prohibited between the third day of September and the second day of February; if caught in any fishery district in Ireland is prohibited during such time as the capture of salmon is prohibited in that district; if caught in Scotland within the limits of "The Salmon Fisheries (Scotland) Act, 1862," is prohibited between the commencement of the latest and the termination of the earliest annual close time fixed for any district; if caught in the River Tweed, as defined by "The Tweed Fisheries Amendment Act, 1859," is prohibited between the fourteenth day of September and the fifteenth day of February: And whereas the capture or possession of foul or unseasonable salmon within the limits of the United Kingdom is prohibited at all times: And whereas the provisions of the said Acts are evaded by the exportation for sale in France and other foreign countries of salmon that cannot legally be sold within the limits of the United Kingdom: Be it enacted by the Queen's

¹ For construction of words in italic, see § 3, 26 & 27 Vict. c. 50.

most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. This Act may be cited for all purposes as "The Salmon Acts Short title. Amendment Act, 1863."

II. No part of the United Kingdom, however situated with regard to "Parts beyond seas" defined. any other part, shall be deemed for the purposes of this Act to be parts beyond seas.

III. No unclean or unseasonable salmon, and no salmon caught during the time at which the sale of salmon is prohibited in the district where it is caught, shall be exported or entered for exportation from any part of the United Kingdom to parts beyond seas. Export of unclean or unseasonable salmon, or salmon caught at certain times, prohibited.

All salmon exported or entered for exportation in contravention of this section shall be forfeited, and the person exporting or entering the same for exportation shall be subject to a penalty not exceeding five pounds in respect of each salmon so exported or entered for exportation.

The burden of proving that any salmon entered for exportation from any part of the United Kingdom to parts beyond seas between the third day of September and the ¹*second day of February* following is not so entered in contravention of this Act shall lie on the person entering the same for exportation.

IV. All penalties under this Act may be recovered in England, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fishery Act, 1861 ; in Ireland as penalties under the Act passed in the session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to regulate the Irish Fisheries ;" in Scotland, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fisheries (Scotland) Act, 1862 ; and within the limits of the said Tweed Fisheries Act, in manner prescribed by "The Tweed Fisheries Act, 1857." Recovery of penalties.

V.—26 & 27 VICTORIA, c. 50.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January One thousand eight hundred and sixty-five, and to amend the said Act.—[13th July 1863.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years 25 & 26 Vict. of the reign of Her present Majesty, intituled "An Act to regulate and c. 97.

¹ Read "thirtieth day of April." See § 8, 33 & 34 Vict. c. 35.

amend the Law respecting the Salmon Fisheries of Scotland;" and in the sixteenth section thereof it is enacted, that "the Commissioners shall on or before the first day of January one thousand eight hundred and sixty-four" determine certain matters by byelaws, and report the same to the Secretary of State; and it is expedient that the time so limited should be extended, and that the said Act should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of
time for
making, &c.,
byelaws.

I. The said Commissioners shall determine the said matters specified in the said sixteenth section, by byelaws under their hands or the hands of any two of them, and shall report the same to the Secretary of State on or before the first day of January one thousand eight hundred and sixty-five.

Notice to
be given
for calling
first meeting
of district
boards.

II. The provision in the eighteenth section of the recited Act that "the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix" is hereby repealed; and on the time and place of the first meeting of the district board being fixed as provided by the twenty-second section of the recited Act, and intimated to the sheriff-clerk, he shall give notice of such meeting as therein provided; and such first meeting may be held at any time within twenty-one days after the first election of the district board under the recited Act, anything therein contained to the contrary notwithstanding.

As to read-
ing of sect.
33 of recited
Act.

III. The thirty-third section of the recited Act shall be read and construed as if the words "Public General Act, twenty-fourth and twenty-fifth Victoria, chapter one hundred and nine," had been inserted therein instead of the words "said Act."

Power to
Commis-
sioners to
extend the
limits of the
mouth of
the River
Tweed.

IV. It shall be lawful for the said Commissioners, on or before the first day of January one thousand eight hundred and sixty-four, by a byelaw under their hands, or the hands of any two of them, to be made, published, and approved in the manner provided in the fifteenth section of the recited Act, to extend the limits of the mouth or entrance of the River Tweed northwards from the limits thereof as defined in "The Tweed Fisheries Amendment Act, 1859," along the sea-coast and into the sea to such points and to such extent as they may fix; and from and after the publication of such byelaw in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, the enactments and provisions of "The Tweed Fisheries Act, 1857" (with the exception of the fifty-fifth and sixtieth sections), and of "The Tweed Fisheries Amendment Act, 1859," and the tenth, twelfth, and twenty-seventh sections of the recited Act, shall be applicable to and may be enforced within such extended limits in the same manner and to the same effect as if such extended limits had been included in the mouth or entrance of the River

Tweed as defined in "The Tweed Fisheries Amendment Act, 1859:" Provided, that the rates or assessments to be levied on and in respect of the fisheries beyond the limits of the mouth of the River Tweed, as defined in "The Tweed Fisheries Amendment Act, 1859," and within the limits as extended under any such byelaw as aforesaid, shall not be applied in or towards the payment or discharge of any debts or obligations contracted by the Commissioners acting under "The Tweed Fisheries Act, 1857," previous to the passing of this Act.

As to application of certain rates or assessments.

VI.—27 & 28 VICTORIA, c. 118.

An Act to amend the Acts relating to Salmon Fisheries in Scotland.—
[29th July 1864.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, intituled "An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland;" and another Act was passed in the twenty-sixth and twenty-seventh years of the reign of Her Majesty Queen Victoria, intituled "An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January one thousand eight hundred and sixty-five, and to amend the said Act:" And whereas by the first-recited Act provision was made for determining by byelaws certain matters on or before the first day of January one thousand eight hundred and sixty-three, and certain other matters on or before the first day of January one thousand eight hundred and sixty-four, and for reporting the same to the Secretary of State; and by the second-recited Act the time for determining and reporting on certain of such matters was continued till the first day of January one thousand eight hundred and sixty-five; and it is expedient that the times so limited should be extended, and that the said two recited Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

25 & 26 Vict.
c. 97.

26 & 27 Vict.
c. 50.

I. The said Commissioners shall and may, on or before the first day of January one thousand eight hundred and sixty-six, determine the matters specified and referred to in the sixth, fifteenth, and sixteenth sections of the first-recited Act, and the first section of the second-recited Act, respectively, by byelaws under their hands or the hands of any two of them, in

Time for making certain byelaws extended.

manner prescribed by the first-recited Act, and the whole enactments and provisions of the first-recited Act with respect to the transmission, publication, and confirmation of byelaws shall be applicable to the byelaws to be made by the said Commissioners during the period above specified.

Power to Secretary of State to confirm byelaws.

II. It shall be lawful for the Home Secretary to confirm any byelaws made under the provisions of the recited Acts, notwithstanding the period therein prescribed for such confirmation may have elapsed at any period prior to the first day of January one thousand eight hundred and sixty-five.

In cases where district boards have not been constituted, Commissioners, on requisition, may re-issue a byelaw.

III. In any case where a district board has not been constituted, under the provisions of the first-recited Act, previous to the passing of this Act, the Commissioners may, on the requisition of any proprietor of salmon fisheries within such district, re-issue a byelaw constituting the district; and the Commissioners, sheriff, and sheriff-clerk shall thereupon take all the proceedings prescribed by the first-recited Act with respect to the formation of district boards; and such boards, when so formed, shall have all the powers and authorities conferred on or competent to any district board under the recited Acts or either of them.

Provision where no district board has been formed.

IV. And whereas by the sixteenth section of the first-recited Act it is provided that, previously to making byelaws, the Commissioners shall communicate the same to the district board, and afford the board reasonable opportunity of making any representation to the Commissioners regarding the same: Be it enacted, That the Commissioners may, in all cases in which no district board has been formed, make byelaws in regard to the whole matters and things specified and referred to in the sixth and sixteenth sections of the first-recited Act; and, on compliance with the whole other provisions of the said sixteenth section, the Secretary of State may approve, alter, or disapprove of such byelaws, and the same, as altered or approved of by him, shall be as legal and binding on all concerned as if they had been previously communicated to a district board.

This and recited Acts to be one.

V. This Act shall be read and construed along with the recited Acts as if the same formed one Act.

VII.—31 & 32 VICTORIA, c. 123.

An Act to amend the Law relating to Salmon Fisheries in Scotland.—[31st July 1868.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of Her present Majesty, chapter ninety-seven, intituled "An Act to

regulate and amend the Law respecting the Salmon Fisheries of Scotland ;" 25 & 26 Vict. c. 97.
 and another Act was passed in the twenty-sixth and twenty-seventh years
 of Her present Majesty, chapter fifty, intituled "An Act to continue the 26 & 27 Vict. c. 50.
 powers of the Commissioners under the Salmon Fisheries (Scotland) Act
 until the first day of January one thousand eight hundred and sixty-five,
 and to amend the said Act ;" and another Act was passed in the twenty-
 seventh and twenty-eighth years of Her present Majesty, chapter one
 hundred and eighteen, intituled "An Act to amend the Acts relating to 27 & 28 Vict. c. 118.
 Salmon Fisheries in Scotland ;" and it is expedient that the recited Acts
 should be amended, and further provision made with respect to salmon
 fisheries in Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and with the
 advice and consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the authority of the same,
 as follows :

I. This Act may be cited for all purposes as "The Salmon Fisheries Short title.
 (Scotland) Act, 1868."

II. The recited Acts and this Act shall be read and construed together
 as one Act.

III. Where in any district a district board has not been constituted before
 the passing of this Act, it shall be lawful for any two proprietors of
 salmon fishings in the district, whether there be at the present time salmon
 in the waters of the district or not, to present a petition to the sheriff pray-
 ing that a district board may be constituted, and the sheriff shall there-
 upon direct the sheriff-clerk to make up a roll of the upper proprietors
 and a roll of the lower proprietors in the district, and the sheriff shall
 thereafter direct the sheriff-clerk to call a meeting of the upper proprietors,
 and also a meeting of the lower proprietors, at such time and place as he
 shall direct, and notice of such meeting shall be given by advertisement
 inserted once at least in two successive weeks in a newspaper printed or
 circulating in the county or counties in which the district is situated, and
 at the same time with the said notice the sheriff shall direct the sheriff's
 clerk also to intimate the time and place at which the first meeting of the
 board shall be held after its election ; and the upper proprietors and lower
 proprietors present at such separate meetings respectively shall elect
 members of the district board in the manner provided in the first-recited
 Act ; and the first meeting of the said district board shall be held at the
 time appointed by the sheriff as aforesaid, unless the upper proprietors
 and the lower proprietors agree together to appoint another time and
 place for the first meeting.

IV. The clerk of each district board, constituted under the recited Acts
 or this Act, shall make up and keep rolls of the upper and lower pro-
 prietors in the district, and correct the same from time to time whenever
 Roll of proprietors to be made up.

Recited
 Acts and
 this Act to
 be as one.

Appoint-
 ment of
 district
 board where
 none exists
 at the pass-
 ing of this
 Act.

a new valuation roll comes into force ; and at any meeting of the district board it shall be lawful for any person whose name has been erroneously struck out or omitted from the said roll to apply to the district board to have his name entered therein, or for any person whose name is on the roll for the district to object to the name of any other person being entered or remaining on the said roll on the ground that he does not appear on the valuation roll to be qualified, or that he does not possess the requisite frontage to the river ; and if it shall be proved to the satisfaction of the board that such claim or such objection is well founded, the board shall direct their clerk to enter or strike out the name accordingly, as shall appear to them just ; and if any person shall be dissatisfied with the decision of the board, he may appeal by summary petition to the sheriff of the county within which the subjects affording his qualification, or the greater part thereof, are situated ; and the sheriff's decision shall be final, but in such appeal the jurisdiction of the sheriff shall not extend to questions of heritable right.

Provisions
for valuation
of
fisheries.

V. Where any fishery is not entered in the valuation roll, or where any fishery is entered in the valuation roll along with and as a part of other subjects, the county assessor shall, on being required by the clerk to the district board, value and enter such fishery in the valuation roll separately from other subjects ; and where any fishery or rod fishing when let in the sea happens to be situate in two separate districts, the county assessor shall, on being required by the clerk of either district, value and enter separately in the valuation roll the annual value of such fishery situate in the respective districts.

Vacancies or
defect in
qualifica-
tion not to
vitiate pro-
ceedings of
board.

VI. No act or proceeding of a district board shall be questioned on account of any vacancy or vacancies in their body, and no defect in the qualification or appointment of any person or persons acting as a member or members of such board shall be deemed to vitiate any proceedings of such board in which he or they have taken part.

Evidence of
proceedings
at meetings.

VII. The minutes of the proceedings of every meeting of a district board shall be signed by the chairman ; and any minute of proceedings of any meeting of such board, signed by the chairman of that meeting, shall be receivable in evidence in all legal proceedings without further proof ; and, until the contrary is proved, every meeting of the board in respect of which minutes have been so made and signed shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified. On requisition in writing by any two members of a district board, the chairman shall be bound to convene a meeting of the board within a fortnight of the date of the requisition, and the clerk of the board shall give notice to each member, by circular, of the date of said meeting, and of the business to be brought before it.

VIII. The factor or mandatory of any proprietor of a fishery (including

the factor or mandatory of the Commissioners or Commissioner of Woods in charge of the land revenues of the Crown in Scotland where Her Majesty is the proprietor of a fishery) shall be qualified to be and may be elected as a member of any district board, and shall have all the powers and privileges which the proprietors by whom he is appointed could have had under the recited Acts or this Act; and any member of any district board appointed under the powers of the recited Acts, or any of them, or this Act, may from time to time nominate and appoint, by writing under his hand, any person as the mandatory of such member to attend, act, and vote at any meeting of such district board; and every such nomination and appointment shall subsist until recalled by the member making the same.

Mandatories may be appointed members of district board.

IX. Any district board at any meeting, of which due notice has been given by advertisement at least ten days previously in a newspaper printed or circulated in the county or counties in which the district is situated, may resolve to petition the Secretary of State to do any of the following things:

Power of Secretary of State to alter regulations.

- (1.) To vary the annual close time in such district, provided that such annual close time shall always be one hundred and sixty-eight days:
- (2.) To vary the weekly close time in such district, or in different parts of such district, provided that the weekly close time or such weekly close times shall always be thirty-six hours:
- (3.) To alter the regulations with respect to the observance of annual or weekly close time in so far as they relate to such district:
- (4.) To alter the regulations with respect to the construction and use of cruives and cruive dykes or weirs within such district, provided such alterations do not injure the supply of water to any person entitled to use any existing cruive dyke as a dam dyke.

And such petition, authenticated by the signature of the chairman of the board, shall be transmitted to the Secretary of State by the clerk of the board, after notice thereof has been given by advertisement once at least in each of two successive weeks in a newspaper printed or circulating in the county or counties in which the district is situated, and the Secretary of State may direct such inquiry to be made, and such notice thereof to be given, as he shall think fit.

And any alteration petitioned for in such manner by any district board may be made by the Secretary of State, if he shall see fit, by order under his hand, and such order shall be published in the 'Edinburgh Gazette,' and a copy of the 'Edinburgh Gazette' containing such order shall be evidence of the same having been made; but the Secretary of State shall not entertain any such petition until it shall be proved to him, by such evidence as he shall think satisfactory, that notice of such petition has been duly given in manner aforesaid: Provided that such alteration shall

to the publication of byelaws made by the Commissioners; and such meetings shall at the same time take such steps as they shall think proper for auditing and attesting the accounts of the district board for the preceding three years.

Penalties for breach of byelaws and regulations.

XXV.¹ *It shall be lawful for the district board, by any byelaw or regulation to be made by them and approved of by the Secretary of State as herein before provided, to enact that any person committing any breach or contravention of such byelaw or regulation shall be liable for every such offence to a penalty not exceeding two pounds; and such penalty may be sued for and recovered in the same manner as penalties incurred and imposed under the provisions of this Act.*

Forfeited articles may be seized.

XXVI. Any net, rod, line, or other article directed to be forfeited under this Act may be seized by any constable, water-bailiff, watcher, or other officer appointed by the district board, and the sheriff or justice may either order the same to be destroyed or to be sold, and the proceeds of such sale to be paid to the clerk on behalf of the district board.

Three or more persons illegally fishing at night to be guilty of a criminal offence.

XXVII. If three or more persons acting in concert, or being together or in company, shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any river or estuary or the sea, or in or upon any river or estuary or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be guilty in Scotland of a criminal offence, and in England within the limits of the "Tweed Fisheries Amendment Act" of a misdemeanor, and shall for every such offence be liable to a fine not exceeding five pounds, or to imprisonment for any period not exceeding three months, as the sheriff or justices before whom such persons or any of them are tried and convicted may determine; and if such fine be not paid immediately on conviction, the offender so failing to pay shall be sentenced to imprisonment for such period, not exceeding three months, as the sheriff or justices may adjudge, unless such fine shall be sooner paid.

Prosecution for offences under this Act, and recovery of penalties.

XXVIII. All offences under this Act may be prosecuted and all penalties incurred under this Act may be recovered before any sheriff or any two justices acting together and having jurisdiction in the place where the offence was committed, at the instance of the clerk of any district board or of any other person; and it shall be lawful for the sheriff or justices to whom any petition or complaint is presented to proceed in a summary form, and to grant warrant for bringing the persons complained against

¹ Clause XXV. repealed, § 42, 81 & 82 Vict. c. 123.

ore him or them, and on proof on oath by one or more credible witness witnesses or confession of the person accused, or other legal evidence, whith to determine and give judgment in such complaint, without any tten pleadings or record of evidence, other than a record of the charge l of the judgment pronounced thereon, and to grant warrant for the overy of all penalties and expenses decerned for, by poinding, and prisonment for any period not exceeding six months; and any person o shall think himself aggrieved by any judgment of the sheriff or tices pronounced in any complaint or prosecution under this Act may peal to the Court of Justiciary at their next Circuit Court, or where re is no Circuit Court to the High Court of Justiciary at Edinburgh in e manner and under the rules, limitations, conditions, and restrictions ntained in the Act passed in the twentieth year of the reign of His ajesty King George the Second, chapter forty-three, for taking away and olishing heritable jurisdictions in Scotland, with this variation, that ch person shall, in place of finding caution in the terms prescribed by e said Act, be bound to find caution to pay the penalty and expenses awarded against him by the judgment appealed from, in the event of such appeal being dismissed, together with any additional expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismiss- ing such appeal; and it shall not be competent to appeal from or bring the judgments of any sheriff or justices acting under this Act under review by advocacy or in any other way than as herein provided.

XXIX. In the event of any person refusing or neglecting to obey any byelaw made by the Commissioners, or any regulation made by the district board, the clerk may apply to the sheriff by summary petition in ordinary form, praying to have such person ordained to obey the same, and the sheriff shall take such proceedings and make such orders thereupon as he shall think just. Enforce- ment of regulations and bye-laws.

XXX. In giving judgment on any application or complaint under this Act the sheriff or justices may find the person complained against liable in expenses, and may decern for payment of the same. Expenses may be de- cerned for.

XXXI. All penalties and expenses incurred under this Act, or under any byelaw or regulation made under the authority thereof, may be recovered by ordinary action or in the Small Debt Court of the sheriff. Recovery of penalties and ex- penses.

XXXII. The penalties incurred under this Act shall in all prosecutions at the instance of the clerk of any district board be payable to and recover- able by such clerk, and shall in all other cases be paid and applied in such manner as the sheriff or justices may direct; and all penalties and ex- penses received by the clerk, and the proceeds of the sale of any articles seized and directed to be sold as before provided, shall be applied by the district board towards defraying the expenses incurred by them in carry- ing into execution the provisions of this Act. Payment and appli- cation of penalties.

Certain provisions of Act 24 & 25 Vict. c. 109, applied to Solway Firth.

XXXIII. From and after the first day of January one thousand eight hundred and sixty-five the provisions of the *said Act*,¹ intituled "An Act to amend the Laws relating to Fisheries of Salmon in England," shall extend and apply to salmon fisheries in the waters and on the shores of the Solway Firth situate in Scotland, as the same may be fixed by authority of this Act, and to the rivers flowing into the same, in so far as such provisions relate to the use of fixed engines for the taking of salmon: Provided that all offences against such provisions shall be prosecuted and punished as directed by this Act.

This Act not to apply to the River Tweed.

XXXIV. No part of this Act, with the exception of the tenth, twelfth, and twenty-seventh clauses, shall apply to the River Tweed, or to any fisheries in the said river or the mouth or entrance thereof, as defined by "The Tweed Fisheries Amendment Act, 1859;" and any penalties incurred under the said tenth, twelfth, and twenty-seventh clauses of this Act shall, so far as concerns the River Tweed, be recoverable in manner prescribed by the Tweed Fisheries Amendment Act, 1857, which Act and the Tweed Fisheries Amendment Act, 1859, shall remain in full force and effect, anything herein contained to the contrary notwithstanding.

IV.—26 VICTORIA, c. 10.

An Act for prohibiting the Exportation of Salmon at certain Times.—
[20th April 1863.]

24 & 25 Vict.
c. 109.

WHEREAS the sale of salmon within the United Kingdom is prohibited at various times; that is to say, if caught in England within the limits of the Salmon Fishery Act, 1861, is prohibited between the third day of September and the second day of February; if caught in any fishery district in Ireland is prohibited during such time as the capture of salmon is prohibited in that district; if caught in Scotland within the limits of "The Salmon Fisheries (Scotland) Act, 1862," is prohibited between the commencement of the latest and the termination of the earliest annual close time fixed for any district; if caught in the River Tweed, as defined by "The Tweed Fisheries Amendment Act, 1859," is prohibited between the fourteenth day of September and the fifteenth day of February: And whereas the capture or possession of foul or unseasonable salmon within the limits of the United Kingdom is prohibited at all times: And whereas the provisions of the said Acts are evaded by the exportation for sale in France and other foreign countries of salmon that cannot legally be sold within the limits of the United Kingdom: Be it enacted by the Queen's

25 & 26 Vict.
c. 97.

22 & 23 Vict.
c. 70.

¹ For construction of words in italic, see § 3, 26 & 27 Vict. c. 50.

most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. This Act may be cited for all purposes as "The Salmon Acts Short title. Amendment Act, 1863."

II. No part of the United Kingdom, however situated with regard to any other part, shall be deemed for the purposes of this Act to be parts beyond seas. "Parts beyond seas" defined.

III. No unclean or unseasonable salmon, and no salmon caught during the time at which the sale of salmon is prohibited in the district where it is caught, shall be exported or entered for exportation from any part of the United Kingdom to parts beyond seas. Export of unclean or unseasonable salmon, or salmon caught at certain times, prohibited.

All salmon exported or entered for exportation in contravention of this section shall be forfeited, and the person exporting or entering the same for exportation shall be subject to a penalty not exceeding five pounds in respect of each salmon so exported or entered for exportation.

The burden of proving that any salmon entered for exportation from any part of the United Kingdom to parts beyond seas between the third day of September and the ¹second day of February following is not so entered in contravention of this Act shall lie on the person entering the same for exportation.

IV. All penalties under this Act may be recovered in England, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fishery Act, 1861 ; in Ireland as penalties under the Act passed in the session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to regulate the Irish Fisheries ;" in Scotland, except within the limits of the said Tweed Fisheries Act, as penalties under the Salmon Fisheries (Scotland) Act, 1862 ; and within the limits of the said Tweed Fisheries Act, in manner prescribed by "The Tweed Fisheries Act, 1857." Recovery of penalties.

V.—26 & 27 VICTORIA, c. 50.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January One thousand eight hundred and sixty-five, and to amend the said Act.—[13th July 1863.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, intituled "An Act to regulate and

25 & 26 Vict.
c. 97.

¹ Read "thirtieth day of April." See § 3, 33 & 34 Vict. c. 35.

amend the Law respecting the Salmon Fisheries of Scotland;" and in the sixteenth section thereof it is enacted, that "the Commissioners shall on or before the first day of January one thousand eight hundred and sixty-four" determine certain matters by byelaws, and report the same to the Secretary of State; and it is expedient that the time so limited should be extended, and that the said Act should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of
time for
making, &c.,
byelaws.

I. The said Commissioners shall determine the said matters specified in the said sixteenth section, by byelaws under their hands or the hands of any two of them, and shall report the same to the Secretary of State on or before the first day of January one thousand eight hundred and sixty-five.

Notice to
be given
for calling
first meeting
of district
boards.

II. The provision in the eighteenth section of the recited Act that "the sheriff shall thereafter summon the first meeting of such board for such day and such place as he may fix" is hereby repealed; and on the time and place of the first meeting of the district board being fixed as provided by the twenty-second section of the recited Act, and intimated to the sheriff-clerk, he shall give notice of such meeting as therein provided; and such first meeting may be held at any time within twenty-one days after the first election of the district board under the recited Act, anything therein contained to the contrary notwithstanding.

As to read-
ing of sect.
33 of recited
Act.

III. The thirty-third section of the recited Act shall be read and construed as if the words "Public General Act, twenty-fourth and twenty-fifth Victoria, chapter one hundred and nine," had been inserted therein instead of the words "said Act."

Power to
Commis-
sioners to
extend the
limits of the
mouth of
the River
Tweed.

IV. It shall be lawful for the said Commissioners, on or before the first day of January one thousand eight hundred and sixty-four, by a byelaw under their hands, or the hands of any two of them, to be made, published, and approved in the manner provided in the fifteenth section of the recited Act, to extend the limits of the mouth or entrance of the River Tweed northwards from the limits thereof as defined in "The Tweed Fisheries Amendment Act, 1859," along the sea-coast and into the sea to such points and to such extent as they may fix; and from and after the publication of such byelaw in the 'Edinburgh Gazette,' and in such further mode as the Secretary of State may direct, the enactments and provisions of "The Tweed Fisheries Act, 1857" (with the exception of the fifty-fifth and sixtieth sections), and of "The Tweed Fisheries Amendment Act, 1859," and the tenth, twelfth, and twenty-seventh sections of the recited Act, shall be applicable to and may be enforced within such extended limits in the same manner and to the same effect as if such extended limits had been included in the mouth or entrance of the River

Tweed as defined in "The Tweed Fisheries Amendment Act, 1859:"
 Provided, that the rates or assessments to be levied on and in respect of the fisheries beyond the limits of the mouth of the River Tweed, as defined in "The Tweed Fisheries Amendment Act, 1859," and within the limits as extended under any such byelaw as aforesaid, shall not be applied in or towards the payment or discharge of any debts or obligations contracted by the Commissioners acting under "The Tweed Fisheries Act, 1857," previous to the passing of this Act.

As to application of certain rates or assessments.

VI.—27 & 28 VICTORIA, c. 118.

An Act to amend the Acts relating to Salmon Fisheries in Scotland.— [29th July 1864.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, intituled "An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland;" and another Act was passed in the twenty-sixth and twenty-seventh years of the reign of Her Majesty Queen Victoria, intituled "An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January one thousand eight hundred and sixty-five, and to amend the said Act:" And whereas by the first-recited Act provision was made for determining by byelaws certain matters on or before the first day of January one thousand eight hundred and sixty-three, and certain other matters on or before the first day of January one thousand eight hundred and sixty-four, and for reporting the same to the Secretary of State; and by the second-recited Act the time for determining and reporting on certain of such matters was continued till the first day of January one thousand eight hundred and sixty-five; and it is expedient that the times so limited should be extended, and that the said two recited Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

25 & 26 Vict. c. 97.

26 & 27 Vict. c. 50.

I. The said Commissioners shall and may, on or before the first day of January one thousand eight hundred and sixty-six, determine the matters specified and referred to in the sixth, fifteenth, and sixteenth sections of the first-recited Act, and the first section of the second-recited Act, respectively, by byelaws under their hands or the hands of any two of them, in

Time for making certain byelaws extended.

manner prescribed by the first-recited Act, and the whole enactments and provisions of the first-recited Act with respect to the transmission, publication, and confirmation of byelaws shall be applicable to the byelaws to be made by the said Commissioners during the period above specified.

Power to Secretary of State to confirm byelaws.

II. It shall be lawful for the Home Secretary to confirm any byelaws made under the provisions of the recited Acts, notwithstanding the period therein prescribed for such confirmation may have elapsed at any period prior to the first day of January one thousand eight hundred and sixty-five.

In cases where district boards have not been constituted, Commissioners, on requisition, may re-issue a byelaw.

III. In any case where a district board has not been constituted, under the provisions of the first-recited Act, previous to the passing of this Act, the Commissioners may, on the requisition of any proprietor of salmon fisheries within such district, re-issue a byelaw constituting the district; and the Commissioners, sheriff, and sheriff-clerk shall thereupon take all the proceedings prescribed by the first-recited Act with respect to the formation of district boards; and such boards, when so formed, shall have all the powers and authorities conferred on or competent to any district board under the recited Acts or either of them.

Provision where no district board has been formed.

IV. And whereas by the sixteenth section of the first-recited Act it is provided that, previously to making byelaws, the Commissioners shall communicate the same to the district board, and afford the board reasonable opportunity of making any representation to the Commissioners regarding the same: Be it enacted, That the Commissioners may, in all cases in which no district board has been formed, make byelaws in regard to the whole matters and things specified and referred to in the sixth and sixteenth sections of the first-recited Act; and, on compliance with the whole other provisions of the said sixteenth section, the Secretary of State may approve, alter, or disapprove of such byelaws, and the same, as altered or approved of by him, shall be as legal and binding on all concerned as if they had been previously communicated to a district board.

This and recited Acts to be one.

V. This Act shall be read and construed along with the recited Acts as if the same formed one Act.

VII.—31 & 32 VICTORIA, c. 123.

An Act to amend the Law relating to Salmon Fisheries in Scotland.—[31st July 1868.]

WHEREAS an Act was passed in the twenty-fifth and twenty-sixth years of Her present Majesty, chapter ninety-seven, intituled "An Act to

regulate and amend the Law respecting the Salmon Fisheries of Scotland ;" 25 & 26 Vict.
 and another Act was passed in the twenty-sixth and twenty-seventh years c. 97.
 of Her present Majesty, chapter fifty, intituled "An Act to continue the 26 & 27 Vict.
 powers of the Commissioners under the Salmon Fisheries (Scotland) Act c. 50.
 until the first day of January one thousand eight hundred and sixty-five,
 and to amend the said Act ;" and another Act was passed in the twenty-
 seventh and twenty-eighth years of Her present Majesty, chapter one
 hundred and eighteen, intituled "An Act to amend the Acts relating to 27 & 28 Vict.
 Salmon Fisheries in Scotland ;" and it is expedient that the recited Acts c. 118.
 should be amended, and further provision made with respect to salmon
 fisheries in Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and with the
 advice and consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the authority of the same,
 as follows :

I. This Act may be cited for all purposes as "The Salmon Fisheries Short title.
 (Scotland) Act, 1868."

II. The recited Acts and this Act shall be read and construed together as one Act.

III. Where in any district a district board has not been constituted before Recited
 the passing of this Act, it shall be lawful for any two proprietors of Acts and
 salmon fishings in the district, whether there be at the present time salmon this Act to
 in the waters of the district or not, to present a petition to the sheriff praying be as one.
 that a district board may be constituted, and the sheriff shall there- Appoint-
 upon direct the sheriff-clerk to make up a roll of the upper proprietors ment of
 and a roll of the lower proprietors in the district, and the sheriff shall district
 thereafter direct the sheriff-clerk to call a meeting of the upper proprietors board where
 and also a meeting of the lower proprietors, at such time and place as he none exists
 shall direct, and notice of such meeting shall be given by advertisement at the pass-
 inserted once at least in two successive weeks in a newspaper printed or ing of this
 circulating in the county or counties in which the district is situated, and Act.
 at the same time with the said notice the sheriff shall direct the sheriff's
 clerk also to intimate the time and place at which the first meeting of the
 board shall be held after its election ; and the upper proprietors and lower
 proprietors present at such separate meetings respectively shall elect
 members of the district board in the manner provided in the first-recited
 Act ; and the first meeting of the said district board shall be held at the
 time appointed by the sheriff as aforesaid, unless the upper proprietors
 and the lower proprietors agree together to appoint another time and
 place for the first meeting.

IV. The clerk of each district board, constituted under the recited Acts Roll of
 or this Act, shall make up and keep rolls of the upper and lower pro- proprietors
 prietors in the district, and correct the same from time to time whenever to be made
 up.

a new valuation roll comes into force ; and at any meeting of the district board it shall be lawful for any person whose name has been erroneously struck out or omitted from the said roll to apply to the district board to have his name entered therein, or for any person whose name is on the roll for the district to object to the name of any other person being entered or remaining on the said roll on the ground that he does not appear on the valuation roll to be qualified, or that he does not possess the requisite frontage to the river ; and if it shall be proved to the satisfaction of the board that such claim or such objection is well founded, the board shall direct their clerk to enter or strike out the name accordingly, as shall appear to them just ; and if any person shall be dissatisfied with the decision of the board, he may appeal by summary petition to the sheriff of the county within which the subjects affording his qualification, or the greater part thereof, are situated ; and the sheriff's decision shall be final, but in such appeal the jurisdiction of the sheriff shall not extend to questions of heritable right.

Provisions
for valuation
of
fisheries.

V. Where any fishery is not entered in the valuation roll, or where any fishery is entered in the valuation roll along with and as a part of other subjects, the county assessor shall, on being required by the clerk to the district board, value and enter such fishery in the valuation roll separately from other subjects ; and where any fishery or rod fishing when let in the sea happens to be situate in two separate districts, the county assessor shall, on being required by the clerk of either district, value and enter separately in the valuation roll the annual value of such fishery situate in the respective districts.

Vacancies or
defect in
qualifica-
tion not to
vitate pro-
ceedings of
board.

VI. No act or proceeding of a district board shall be questioned on account of any vacancy or vacancies in their body, and no defect in the qualification or appointment of any person or persons acting as a member or members of such board shall be deemed to vitiate any proceedings of such board in which he or they have taken part.

Evidence of
proceedings
at meetings.

VII. The minutes of the proceedings of every meeting of a district board shall be signed by the chairman ; and any minute of proceedings of any meeting of such board, signed by the chairman of that meeting, shall be receivable in evidence in all legal proceedings without further proof ; and, until the contrary is proved, every meeting of the board in respect of which minutes have been so made and signed shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified. On requisition in writing by any two members of a district board, the chairman shall be bound to convene a meeting of the board within a fortnight of the date of the requisition, and the clerk of the board shall give notice to each member, by circular, of the date of said meeting, and of the business to be brought before it.

VIII. The factor or mandatory of any proprietor of a fishery (including

the factor or mandatory of the Commissioners or Commissioner of Woods in charge of the land revenues of the Crown in Scotland where Her Majesty is the proprietor of a fishery) shall be qualified to be and may be elected as a member of any district board, and shall have all the powers and privileges which the proprietors by whom he is appointed could have had under the recited Acts or this Act; and any member of any district board appointed under the powers of the recited Acts, or any of them, or this Act, may from time to time nominate and appoint, by writing under his hand, any person as the mandatory of such member to attend, act, and vote at any meeting of such district board; and every such nomination and appointment shall subsist until recalled by the member making the same.

Mandaratories may be appointed members of district board.

IX. Any district board at any meeting, of which due notice has been given by advertisement at least ten days previously in a newspaper printed or circulated in the county or counties in which the district is situated, may resolve to petition the Secretary of State to do any of the following things:

Power of Secretary of State to alter regulations.

- (1.) To vary the annual close time in such district, provided that such annual close time shall always be one hundred and sixty-eight days:
- (2.) To vary the weekly close time in such district, or in different parts of such district, provided that the weekly close time or such weekly close times shall always be thirty-six hours:
- (3.) To alter the regulations with respect to the observance of annual or weekly close time in so far as they relate to such district:
- (4.) To alter the regulations with respect to the construction and use of cruives and cruiue dykes or weirs within such district, provided such alterations do not injure the supply of water to any person entitled to use any existing cruiue dyke as a dam dyke.

And such petition, authenticated by the signature of the chairman of the board, shall be transmitted to the Secretary of State by the clerk of the board, after notice thereof has been given by advertisement once at least in each of two successive weeks in a newspaper printed or circulating in the county or counties in which the district is situated, and the Secretary of State may direct such inquiry to be made, and such notice thereof to be given, as he shall think fit.

And any alteration petitioned for in such manner by any district board may be made by the Secretary of State, if he shall see fit, by order under his hand, and such order shall be published in the 'Edinburgh Gazette,' and a copy of the 'Edinburgh Gazette' containing such order shall be evidence of the same having been made; but the Secretary of State shall not entertain any such petition until it shall be proved to him, by such evidence as he shall think satisfactory, that notice of such petition has been duly given in manner aforesaid: Provided that such alteration shall

not interfere with any rights held at the time of the passing of this Act under royal grant or charter, or possessed for time immemorial.

Byelaws to
be valid
until altered
by Secretary
of State.

X. The byelaws contained in the Schedules (A.), (B.), (C.), (D.), (E.), (F.), and (G.) to this Act annexed shall in all respects be held to have been duly made and published, but only in so far as consistent with and authorised by the recited Acts, and to such extent shall be as valid and binding as if the same had been expressly enacted in this Act: Provided always, that notwithstanding the terms of the said recited Acts, any such byelaw shall be valid and binding as aforesaid although it includes in one district more than one river, or makes provisions with respect to a district including more than one river, or to two or more districts having assigned to them a common estuary.

Acts not to
apply to
streams not
frequented
by salmon.

XI. Notwithstanding anything contained in or authorised by this Act or the recited Acts, no regulations with respect to the construction and alteration of mill dams or lades or water wheels, so as to afford a reasonable means for the passage of salmon, shall apply to streams or branches or tributaries of rivers which are of such small size as not to be frequented by salmon, nor to dam dykes which in their existing state at the time and in the average state of the river do not obstruct the passage of salmon; and where in any existing intake lade there is at present a sufficient sluice, it shall not be necessary to remove said sluice to a higher point of the lade, nor to construct an additional sluice at the intake thereof; and it shall be lawful to lift any heck from out the water as a means of protection during a flood, or when the river is encumbered with ice, or with weeds and floating leaves to an extent to choke the heck.

Byelaws not
to apply to
watercourse
or mill lade
of Kinnaber.

XII. And whereas the royal burgh of Montrose is supplied with water from sources adjoining the river North Esk, which water is raised to the point of distribution by means of water power derived from a watercourse or mill lade having its intake at Morphie dam dyke on the said river, and returning to the river at a point near the lower north water bridge on the said river, commonly called the mill lade of Kinnaber, and great inconvenience would arise from the application to the said watercourse or mill lade of certain of the byelaws by this Act made valid and binding: Be it enacted, That nothing in the said byelaws, or in this or in the recited Acts, or any of them, as to the placing of hecks or gratings, or the shutting of sluices at the intake of mill lades or watercourses, shall apply to the said watercourse or mill lade known as the mill lade of Kinnaber, excepting in so far as regards the lowering of the intake sluice during the weekly close time, and then only so as to leave a free space during such close time of not less than eighteen inches between the bottom of the sluice and the sill or bed of such mill lade or watercourse.

Power to
the board

XIII. The district board shall by agreement (which agreement any heir of entail or other person under disability is hereby empowered to make

with such board, and to implement,) have power to purchase, for the purpose only of removal, any dam, weir, cruives, or other fixed engines they may deem it expedient to remove for the benefit of the fisheries in their district, and to remove any natural obstructions to the passage of fish in the bed of a river, or to attach a fish pass to any waterfall, and generally to execute such works, do such acts, and incur such expenses as may appear to them expedient for the protection or improvement of the fisheries within their district, the increase of salmon, or the stocking of the waters therewith; but it shall not be lawful for the board to pay to any member of the board any salary or fees for his acting in any way as a member of or under the board; provided that such powers of purchase shall not be exercised unless the resolution of the district board shall have been consented to by the proprietors representing four-fifths in value of the fishings on the roll in the district.

to purchase
and remove
dams by
agreement.

XIV. Any expenses incurred by the district board in carrying out the provisions of this Act may be defrayed out of the assessment which they are empowered to lay on by the first-recited Act; and any district board may, for the purpose of defraying any charge or expenses incurred by them under the powers of the last section, with the consent of the Secretary of State, borrow and take up at interest, on the credit of any assessment they are authorised by the first-recited Act to impose, such sum of money as may be necessary for defraying such charge or expenses, not exceeding the amount of two years assessments authorised by the said first-recited Act.

Power to
the board
to borrow
money.

XV. Sections eleven and twelve of the first-recited Act are hereby repealed, and in place thereof it is enacted as follows:

Penalties for
offences.

Every person who commits any of the following offences,—

- (1.) Who fishes for, takes, or attempts to take, or aids or assists in fishing for, taking, or attempting to take, salmon during the annual close time by any means other than rod and line;
- (2.) Who fishes for, takes, or attempts to take, or aids or assists in fishing for, taking, or attempting to take, salmon (except during Saturday or Monday by rod and line) during the weekly close time, or contravenes in any way any byelaw in force regarding the observance thereof;
- (3.) Who fishes for or takes, or aids in fishing for or taking, salmon during the annual close time by means of rod and line at a period not sanctioned by the byelaws in force in the district;
- (4.) Who fishes for or aids in fishing for salmon with a net having a mesh contrary to any byelaw;
- (5.) Who sets or uses, or aids in setting or using, a net or any other engine for the capture of salmon when leaping at or trying to ascend any fall or other impediment, or when falling back after leaping;

(6.) Who does any act for the purpose of preventing salmon from passing through any fish pass, or taking any salmon in its passage through the same;

(7.) Who wilfully puts or causes to be put, or neglects to take reasonable precautions to prevent the discharge of, any sawdust, or any chaff, or any shelling of corn into any river;

(8.) Who in any way contravenes any byelaw,

shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every salmon taken or killed in an illegal manner, and shall forfeit the salmon so taken; and all penalties imposed under this Act and the recited Acts, or any of them, shall be in addition to the costs and expenses of prosecution and conviction.

Amendment
of sect. 13
of 25 & 26
Vict. c. 97.

Penalties
for using
lights, &c.

XVI. The thirteenth section of the first-recited Act shall hereafter be read and construed as if the words "or who shall discharge into any river sawdust" therein contained were struck out of the section.

XVII. Every person that shall use any light or fire of any kind, or any spear, leister, gaff, or other like instrument, or otter, for catching salmon, or any instrument for dragging for salmon, or have in his possession a light or any of the foresaid instruments under such circumstances as to satisfy the court before whom he is tried that he intended at the time to catch salmon by means thereof, shall be liable to a penalty not exceeding five pounds, and shall forfeit any of the foresaid instruments and any salmon found in his possession; but this section shall not apply to any person using a gaff as auxiliary to angling with a rod and line.

Penalty for
using roe.

XVIII. Every person that shall use any fish roe for the purpose of fishing, and every person that shall buy, sell, or expose for sale, or have in his possession, any salmon roe, shall for every such offence be liable to a penalty not exceeding two pounds, and shall forfeit all salmon roe found in his possession; but this section shall not apply to any person who uses or has in his possession salmon roe for artificial propagation or scientific purposes, or gives any reason satisfactory to the court by whom he is tried for having the same in his possession.

Penalties for
destroying
the young of
salmon, or
disturbing
spawning
beds.

XIX. Every person who shall wilfully take or destroy any smolt or salmon fry, or shall buy, sell, or expose for sale, or have in his possession, the same, or shall place any device or engine for the purpose of obstructing the passage of the same, or shall wilfully injure the same, or shall wilfully injure or disturb any salmon spawn, or disturb any spawning bed, or any bank or shallow in which the spawn of salmon may be, or during the annual close time shall obstruct or impede salmon in their passage to any such bed, bank, or shallow, shall be liable to a penalty not exceeding five pounds for every such offence, and shall forfeit every rod, line, net, device, or engine used in committing any such offence, and shall forfeit any smolt

or salmon fry that may be found in his possession ; but nothing herein contained shall apply to acts done for the purpose of artificial propagation of salmon or other scientific purpose, or in the course of cleaning or repairing any dam or mill lade, or in the course of the exercise of rights of property in the bed of any river or stream : Provided also, that the district board may, with the consent of all the proprietors of salmon fisheries in any river or estuary, adopt such means as they think fit for preventing the ingress of salmon into narrow streams in which they or the spawning beds are from the nature of the channel liable to be destroyed, but always so that no water rights used or enjoyed for the purposes of manufactures, or agricultural purposes or drainage, shall be interfered with thereby.

XX. Every person who shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, any unclean or unseasonable salmon, or who shall buy, sell, or expose for sale, or have in his possession, any unclean or unseasonable salmon, shall be liable to a penalty not exceeding five pounds in respect of each such fish taken, sold, or exposed for sale, or in his possession, and shall forfeit every such fish ; but this section shall not apply to any person who takes such fish accidentally, and forthwith returns the same to the water with the least possible injury, or to any person who takes or is in possession of such fish for artificial propagation or scientific purposes.

Penalties
for taking
unclean
salmon.

XXI. Any person who shall buy, sell, or expose for sale, or have in his possession, any salmon taken within the limits of this Act between the commencement of the latest and the termination of the earliest annual close time which is in force at the time for any district, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every salmon so bought, sold, or exposed for sale, or in his possession ; and any salmon so bought, sold, or exposed for sale, or in his possession, shall be forfeited ; and the burden of proving that any such salmon was caught beyond the limits of this Act shall lie on the person selling or exposing the same for sale, or having the same in his possession.

Penalty for
buying or
selling
salmon in
close time.

XXII. All salmon intended for exportation shall be entered for that purpose with the proper officer of customs at the port or place of intended exportation before shipment thereof ; and any salmon shipped or exported or brought to any wharf, quay, or other place for exportation between the commencement of the latest and the termination of the earliest annual close time for any district in Scotland contrary to this section shall be forfeited, unless proof be given to the satisfaction of the Commissioners of Customs of the salmon having been legally captured, and the person so illegally shipping or exporting or bringing the same for exportation shall be liable to a penalty not exceeding two pounds for every salmon so shipped or ex-

Provision as
to export-
ation of
salmon.

ported or brought for exportation ; and no salmon caught by rod and line during the annual close time for net-fishing shall be shipped, exported, or brought for exportation under the like penalties ; and any officer of Customs may during the aforesaid period open any parcel entered or intended for exportation, or brought to any quay, wharf, or place for that purpose, and suspected by him to contain salmon, and may detain any salmon found in such parcel until proof is given to the satisfaction of the Commissioners of Customs of the salmon being such as may be legally exported ; and if the salmon before such proof is given become unfit for human food the officer of Customs may destroy the same.

All boats and other engines to be removed during annual close time.

XXIII. The proprietor or occupier of any fishery shall within thirty-six hours after the commencement of the annual close time remove and carry from such fishery, and from the landing-places and grounds adjacent thereto, all boats, oars, nets, engines, and other tackle used or employed by such occupier in taking salmon, and effectually secure the same so as to prevent their being used in fishing until the end of the close time, with the exception of such boats and oars as may be used for angling ; and the proprietor or occupier of any cruive shall within thirty-six hours after the commencement of the annual close time remove and carry away all the hecks, rails, and inscales, and effectually secure the same so as to prevent their being used in fishing, and shall also remove all planks and temporary fixtures and other obstructions to the free passage of fish through the cruive ; and any proprietor or occupier who neglects to remove and carry away and effectually secure in manner aforesaid any boat, oar, net, engine, or other tackle, or any heck, rail, or inscale, or any obstruction to the passage of salmon through a cruive, shall forfeit every engine and thing not removed and carried away in compliance with the terms of this section, and for every day during which he suffers any such engine or thing to remain unremoved beyond the period prescribed in this Act he shall be liable to a penalty not exceeding ten pounds : Provided always, that nothing herein contained shall apply to any ferry boat, or prevent any proprietor of lands from continuing any boat for the use of himself or of his family if such boat shall have the name of the proprietor painted thereon, and be secured, when not in use for lawful purposes, by lock and key.

Penalties on proprietor or occupier for breach of weekly close time.

XXIV. The proprietor, or when let the occupier, of every fishery at which stake, weir, or stake-nets, fly-nets, or bag-nets are used, shall in regard to such nets do all acts required by any byelaw in force within the district in which such fishery is situated for the due observance of the weekly close time ; and if any such proprietor or occupier shall omit to do any act so required he shall incur the following penalties ; that is to say,

1. He shall forfeit the net or nets with regard to which such omission has occurred :

2. He shall for each weekly close time during any part of which such omission has occurred pay, in respect of each net to which the proof of such omission applies, a sum not exceeding ten pounds, and a further sum not exceeding two pounds for every salmon taken or killed by means of such nets during the said weekly close time.

XXV. In order the better to carry out the provisions of the Act of the seventh and eighth years of Her present Majesty, chapter ninety-five, it shall be lawful for any water-bailiff, constable, watcher, or officer of any district board, or any police officer, to search all boats, boat tackle, nets, or other engines, and all receptacles, whether at sea or on shore, which he or they may have reason to suspect may contain salmon captured in contravention of the said last-mentioned Act, and to seize all salmon found in the possession of persons not having a right to fish salmon, and the possession of such salmon shall be held *prima facie* evidence of the purpose of the possessor to contravene the provisions of the said last-mentioned Act: Provided also that the words "the said recited Act" contained in the second section of the last-mentioned Act shall be read and construed as if they meant and included this Act and the Acts recited therein.

Amendment
of 7 & 8 Vict.
c. 95.

XXVI. It shall be lawful for the sheriff or any justice of the peace, upon an information on oath that there is probable cause to suspect any breach of the provisions of this Act to have been committed on any premises, or any salmon illegally taken, or any illegal nets or other engines or instruments, to be concealed on any premises, by warrant under his hand to authorise and empower any water-bailiff, constable, watcher, or other officer of the board, or police officer, to enter such premises for the purpose of detecting such offence, or such concealed fish or instruments, at such time or times in the day or night as in such warrant may be mentioned, and to seize all illegal nets, engines, or other instruments, or any salmon illegally taken, that may be found on such premises; provided that no such warrant shall continue in force for more than one week from the date thereof.

Sheriff or
justice may
grant war-
rant to
search
premises.

XXVII. Any water-bailiff, constable, watcher, or officer of the board, or any police officer, may enter and remain upon any lands in the vicinity of any river or of the sea-coast during any hour of the day and night for the purpose of preventing a breach of the provisions of this or the recited Acts, or of detecting the persons guilty of any breach thereof, and no such person entering and remaining upon such lands as aforesaid shall be deemed to be a trespasser: Provided always, that the owner or occupier of such land may require such person to quit, and such person may on refusal be proceeded against as a trespasser, and shall be liable to the penalties, unless he shall prove to the satisfaction of the sheriff or justices before whom he is tried that he had reason to apprehend a breach of the law had been or was about to be committed.

Constables
or water-
bailiffs
entering on
lands not to
be deemed
trespassers.

Board and
its officers
to have
access to
examine
dams, weirs,
&c.

XXVIII. Any member of the district board, or water-bailiff, constable, watcher, or officer of the board, or any police officer, may examine any dam, weir, cruiwe, or fixed engine within the limits of the district, or any artificial watercourse in that district; and any owner or occupier of any such dam, weir, cruiwe, or fixed engine, or artificial watercourse, refusing access thereto to any such member of the board, water-bailiff, constable, or officer of the board, or any police officer, shall be liable to a penalty not exceeding five pounds for each offence; and any member of the board, or water-bailiff, constable, watcher, or officer of the board, or any police officer, may search all boats, nets, baskets, or bags and other instruments used in fishing for salmon, or which he may have reason to suspect may contain salmon illegally taken, and he may seize all illegal nets, or nets being used illegally, and other instruments of fishing, and all fish and other articles liable to be forfeited under the provisions of this Act, and generally may act as a constable for the enforcement of the provisions of this Act, and when so acting shall be deemed to be a constable.

Apprehen-
sion of
offenders.

XXIX. It shall be lawful for any person, without any warrant or other authority than this Act, *brevis manu* to seize and detain any person who shall be found committing any offence contained in the first six subdivisions of the fifteenth section, or in the seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second sections of this Act, and to carry such person before any sheriff or justice of the peace or other magistrate, or to deliver such person to a constable, who is hereby required to carry such person before a justice of the peace or other magistrate, who shall forthwith examine and discharge or commit such person until caution *de judicio sibi* be found, as the case may require.

Prosecution
for offences
under this
Act, and
recovery of
penalties.

XXX. All offences under this Act may be prosecuted, and all penalties incurred under this Act may be recovered, before any sheriff or any two or more justices acting together, and having jurisdiction in the place where the offence was committed, at the instance of the clerk of any district board, or of any other person; and it shall be lawful for the sheriff or justices to whom any petition or complaint is presented to proceed in a summary form, and to grant warrant for bringing the persons complained against before him or them, or for citing them to appear before him or them, and on proof on oath by one or more credible witness or witnesses, or confession of the person accused, or other legal evidence, forthwith to determine and give judgment in such complaint, without any written pleadings or record of evidence other than a record of the charge and of the judgment pronounced thereon, and to grant warrant for the recovery of all penalties and expenses decerned for by poinding, and imprisonment for any period not exceeding six months; and any person who shall think himself aggrieved by any judgment of the sheriff or justices pronounced in any complaint or prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court

to the High Court of Justiciary at Edinburgh, in the manner and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, for taking away and abolishing heritable jurisdictions in Scotland, with this variation that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty and expenses awarded against him by the judgment appealed from in the event of such appeal being dismissed, together with any additional expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such appeal; and it shall not be competent to appeal from or bring the judgments of any sheriff or justices acting under this Act under review by advocacy, or in any other way than as herein provided.

XXXI. Every person found guilty of any offence against any of the provisions of the recited Acts or any of them, or of this Act, shall, in addition to any other penalties to which he may be liable, at the discretion of the sheriff or justices before whom he has been tried, forfeit every boat, net, rod, line, gaff, spear, leister, or other article or instrument of whatever kind which has been or may be used in fishing for or in taking salmon, and which is found in the possession of such person at the time of committing such offence, and which was capable of being used in the commission of such offence, and also any salmon that may be found in his possession.

Forfeiture of articles found in possession of any offender.

XXXII. Where any salmon, net, rod, line, or other article directed to be forfeited under this Act has been seized by any constable, water-bailiff, watcher, or other officer appointed by the board or by any police officer, the sheriff or justices may order the same to be destroyed or handed over to the district board, or to the person prosecuting, to be disposed of as such board or person prosecuting may think fit.

Forfeited articles may be seized.

XXXIII. The penalty in respect of any offence under this Act, or the recited Acts, shall, on a conviction for a second offence, be not less than one half the greatest penalty capable of being imposed in respect of such offence, and on a conviction for a third or subsequent offence the greatest amount of penalty mentioned in this Act shall be imposed; and any boat, net, rod, line, or other article or thing used in the commission of any offence under this Act, or found in the possession of the offender, shall be forfeited.

Minimum penalties.

XXXIV. No justice of the peace shall be disqualified from hearing any case arising under this Act by reason of his being a member of a district board; provided that no justice shall be entitled to hear any case in respect of an offence committed on his own fishery.

As to disqualification of justices.

XXXV. Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, such offence may be prosecuted before a sheriff or two justices of the peace in either of such

Offences on boundary rivers or on sea-coast

where to be tried. counties, and any offence committed under this Act on the sea-coast, or at sea beyond the ordinary jurisdiction of any sheriff or justices of the peace, shall be held to have been committed within the body of any county abutting on such sea-coast, or adjoining such sea, and may be tried and punished accordingly.

Fishing illegal where prohibited by existing law. XXXVI. It shall not be lawful to fish for or take salmon at any place or by any mode prohibited by any statute relating to salmon or salmon fisheries in Scotland subsisting and in force at the date of this Act; and nothing contained in this Act or in any byelaw shall render legal any mode of fishing which was or would have been illegal at the date of the passing of this Act.

Title to sue. XXXVII. Any proprietor of a fishery shall be held to have a good title and interest at law to sue by action any other proprietor or occupier of a fishery within the district, or any other person who shall use any illegal engine or illegal mode of fishing for catching salmon within the district.

Expenses may be decerned for. XXXVIII. In giving judgment on any application or complaint under this Act the sheriff or justices may find the person complaining or complained against liable in expenses, and may decern for payment of the same.

Recovery of penalties and expenses. XXXIX. All penalties and expenses incurred under this Act, or under any byelaw or regulation made under the authority thereof, may be recovered by ordinary action or in the Small Debt Court of the sheriff.

Payment and application of penalties. XL. The penalties incurred under this Act shall in all prosecutions at the instance of the clerk of any district board, or by any person authorised by any district board, be payable to and recoverable by such clerk, and shall in all other cases be paid and applied in such manner as the sheriff or justices may direct; and all penalties and expenses received by the clerk, and the proceeds of the sale of any articles seized and directed to be sold as before provided, shall be applied by the district board towards defraying the expenses incurred by them in carrying into execution the provisions of this Act.

Extent of Act. XLI. This Act shall not extend to England or Ireland; and no part of this Act, except the thirteenth, eighteenth, twentieth, and thirty-third sections thereof, shall apply to the River Tweed as defined by the Tweed Fisheries Act, 1859; and the penalties imposed by this Act, so far as applicable to the River Tweed and its fisheries, shall be recoverable and applicable in the same manner as penalties imposed by the Tweed Fisheries Act, 1857; and the sections of this Act hereby applied to the River Tweed shall be read and taken as if they formed part of such last-mentioned Act and of Tweed Fisheries Amendment Act, 1859; and the words "district board" in the said sections shall signify the Board of Commissioners of the River Tweed.

Repeal of part of 22d and of 25th XLII. So much of the twenty-second section of "The Salmon Fisheries (Scotland) Act, 1862," as confers on district boards the power "to make

and alter from time to time regulations for the preservation of the fisheries in the district," and the twenty-fifth section of said Act, are hereby repealed. sections of 25 & 26 Vict. c. 97.

XLIII. This Act shall not affect any action or prosecution which has been or may hereafter be begun in respect of any liability incurred or offence committed before the passing of this Act. This Act not to affect liabilities incurred or offences committed.

SCHEDULES.

SCHEDULE (A).

BYELAW.

25th and 26th Vict. cap. 97. 26th and 27th Vict. cap. 50.
27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to fix for the purposes of this [the first-recited] Act the limits of every district, and the portions of the sea-coast adjoining to the mouth or estuary of any river to be included in such district,"—and "to fix for the purposes of this [the first-recited] Act a point on each river (including the estuary thereof) below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors,—do hereby fix and determine—

1st. That the limits of the district of the river Add shall be—on the north, Craignish Point; on the south, Knap Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river contained between the said points.

2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 600 yards below the junction of the burn which runs by Dreamore Steading, known as Ruddell Burn; the distance to be measured along the course of the Add river.

Given under our hands, this 24th day of December 1862.

WM. J. FFENNELL,	} Commissioners.
FRED. EDEN,	
JAMES LESLIE,	

Fisheries Department Home Office.

Approved,
G. GREY.

Whitehall, 30 January 1863.

(This byelaw to take effect from the 10th day of February 1863.)

The same byelaw shall apply to the several districts, according to the limits thereof, and take effect from the dates under mentioned respectively.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
ALINE . . .	<p>1st. That the limits of the district of the river Aline shall be—on the west, the east end of Fuenary Island ; on the east, Barony Point ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge at the Castle.</p>	10th Feb. 1863.
ALNESS . . .	<p>1st. That the limits of the district of the river Alness shall be—a line drawn south from the left bank of the mouth of the Aultgraad river to the centre of the firth at high water, and along the centre of the firth as far as Invergordon Ferry, and continued thence by a straight line to the Ferry landing-place at Majick Point ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from Munro of Novar's ice house on the west bank of the river to Dalmore distillery chimney on the east side of the river.</p>	10th Feb. 1863.
ANNAN . . .	<p>1st. That the limits of the district of the river Annan shall be—on the west, a line drawn due south (true) from the easternmost end of East Park Farm, sea bank ; on the east, the west bank or side of the water Sark ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the dyke or mill dam immediately below the bridge of the public road from Dumfries to Annan.</p>	10th Feb. 1863.
APPLECROSS . . .	<p>1st. That the limits of the district of the river Applecross shall be—on the north, Ru-na-Uag Point, at or near the mouth of Loch</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
APPLECROSS— <i>cont.</i>	<p>Torridon; on the south, Skier Vore Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the east gable of the Manse on the right side of the river Applecross to the corner next the sea of the dyke slit on the left bank enclosing Fuilein Park.</p>	
ARNISDALE (in Loch Houra).	<p>1st. That the limits of the district of the river Arnisdale (in Loch Houra) shall be—on the north, a line drawn due east from the north end of Sandag Island; on the south, Aird-na Slisnich Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the stepping-stones 70 yards above the foot bridge at Corran village.</p>	10th Feb. 1863.
AWE	<p>1st. That the limits of the district of the river Awe shall be—on the north point, Appin Ferry, including the east shore of Lismore Island; on the south, Craignish Point, excepting Loch Crinan, the loch to be defined by a line drawn from the southernmost point of the mainland immediately north of Enska Island, and continued along the outer face of that island to the projecting point of the mainland nearest to the south-west point of the said island, and excepting the portions of the sea-coast and estuary, and river, contained between Minard Point and the bridge from the mainland over Siel Sound to Siel Island; the Awe district to include all the islands within the said limits south of Lismore Island, east of the island of Mull and north of Jura; and that the district shall consist of the portions of the sea-coast and</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
<i>AWE—continued.</i>	the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with and across the river from the ice house immediately above the house in the occupation of Mr David Baird, at present tacksman of the Awe fishings.	
AYLORT (Kinloch) .	1st. That the limits of the district of the river Aylort (Kinloch) shall be—on the north, Ru-Arasaig; on the south, Ru-smersiri; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the burn on the left bank of the Aylort next below the bridge opposite Kinloch Aylort Inn.	10th Feb. 1863.
AYR . . .	1st. That the limits of the district of the river Ayr shall be—on the north, the Lighthouse on the point of Troon Harbour; on the south, a line drawn due west from Seafield House; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the lower dyke or dam at Ayr Mills.	10th Feb. 1863.
BALGAY . . .	1st. That the limits of the district of the river Balgay shall be—on the east, the mouth of the burn at Camushole, near the south-east corner of Upper Loch Torridon; on the west, Ru-na-Uag Point, at or near the mouth of Lower Loch Torridon; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
BALGAY — <i>continued</i> .	be upper proprietors, shall be 140 yards below the foot bridge on the path from Shieldag to Torridon.	
BAA and GLENCOIL-LEADAR.	<p>1st. That the limits of the district of the rivers Baa and Glencoilleadar shall be—Ardmore Point at the north-west entrance of the Sound of Mull on the north; Fidden Point in the Sound of Iona on the south, including Coll Tiree and other islands lying to the west of the coast between those two points; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—BAA, ford at saw mill and water wheel on the right bank, being the nearest mill to the mouth of the river; GLENCOILLEADAR, bridge of road from Craignure to Bunessan.</p>	23d May 1865.
BEAULY . . .	<p>1st. That the limits of the district of the river Beauly shall be—a straight line drawn from the north pier to the south pier of Kessock Ferry; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the public road from Inverness to Beauly, commonly called Beauly Bridge.</p>	10th Feb. 1863.
BADACHRO and KERRY (in Gairloch).	<p>1st. That the limits of the district of the rivers Badachro and Kerry in Gairloch shall be—on the north, Ru Bane; on the south, Ru Ruag; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—on the river BADACHRO, the rapid 80 yards above the</p>	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
BADACHRO, &c.— <i>continued.</i>	herring store on the left bank of the river ; 2d. on the river KERRY, the site of the old foot bridge at the mouth of the river.	
BLADENOCH . . .	1st. That the limits of the district of the river Bladenoch shall be—on the west, Gillespie River ; on the east, Bishop's Burn ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 400 yards below the dyke of Bladenoch distillery.	10th Feb. 1863.
BERRIEDALE . . .	1st. That the limits of the district of the river Berriedale shall be—on the south, the boundary of the counties of Sutherland and Caithness ; and on the north, a line drawn south-east from Dunbeath Castle ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the row of cottages on the beach on the left bank of the river to the fish smoking house on the right bank.	10th Feb. 1863.
BERVIE . . .	1st. That the limits of the district of the river Bervie shall be—on the north, the boundary between the parishes of Dunnottar and Kineff ; on the south, the boundary between the parishes of Bervie and Benholm ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the cruipe dyke next the mouth of the river.	10th Feb. 1863.
BROOM . . .	1st. That the limits of the district of the river Broom shall be—on the north, the boundary between that portion of the county of Cromarty and of the county of Ross ; and on the	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
BROOM — <i>continued</i> .	<p>south, Cailleach Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn between Loch Broom Kirk on the left bank and the school house on the right bank of the river.</p>	9th Oct. 1863.
BRORA	<p>1st. That the limits of the district of the river Brora shall be—on the south, Strathsteven Point; on the north, Crackaig Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Golspie to Wick.</p>	24th Nov. 1865.
CARRADALE (in Cantyre).	<p>1st. That the limits of the district of the river Carradale in Cantyre shall be—Skipness Point on north; Mull of Cantyre on south, including Davar and Sanda Islands; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—remains of bridge on old road between Skipness and Campbelltown.</p>	10th Feb. 1863.
CARRON	<p>1st. That the limits of the district of the river Carron shall be—on the north, the Aird; on the south, Kyle Akin Ferry; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the bridge over Beachan Water, on the</p>	

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
<i>CARRON—continued.</i>	public road from Jeantoun to Dingwall to the west end of Achintee village.	
CLAYBURN, FINNIS-BAY, AVEN-NAN-GEREN, STRATHGRAVAT, NORTH LACASTILE, SCALLADALE, and MAWRIG (East Harris).	<p>1st. That the limits of the district of the rivers Clayburn, Finnis-Bay, Aven-nan-geren, Strathgravat, North Lacastile, Scalladale, and Mawrig shall be—on the south Ru Renish, and on the north the boundary between Lewis and Harris, including the island of Scalpa; and that the district shall consist of the portions of the sea-coast, and the estuaries and rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, with regard to the Clayburn River, the wooden bridge over the river; with regard to the Finnis-Bay River, the bridge on the Finnis-Bay Road; with regard to the Aven-nan-geren River, the bridge on the Cuidenish Road; with regard to the Strathgravat River, the rock in the channel of the river reached by spring tides; with regard to North Lacastile River, the bridge over river; with regard to Scalladale and Mawrig Rivers, the bridge on road from Stornoway to Tarbert.</p>	31st Dec. 1867.
CLYDE and LEVEN . . .	<p>1st. That the limits of the district of the rivers Clyde and Leven shall be—on the north, Strone Point at the north end of Holy Loch; and on the south, Fairlie Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the CLYDE, the dam or dyke of the Glasgow Waterworks; and on the LEVEN, a line drawn at right angles with the river from the tail lade of Dalquhurn Dyeworks.</p>	10th Feb. 1863.
CONON . . .	1st. That the limits of the district of the river Conon shall be—on the north, Taret Ness; on the south, West Sutor Point, excepting that portion of the north side of the Cro-	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
CONON— <i>continued</i> .	<p>marty Firth contained within a line drawn south from the left bank of the mouth of the Aultgraad River to the centre of the firth at high water, and along the centre of the firth as far as Invergordon, and continued thence by a straight line to the ferry landing-place at Majick Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge (commonly called Conon Bridge) of the public road from Inverness to Dingwall.</p>	
CREE	<p>1st. That the limits of the district of the river Cree shall be—on the west, Bishop's Burn; on the east, the point south of Mossyard called Ringdow Points; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the Castle of Machermore, in the occupation of James Kinna, Esq., on the left bank, to Corvish House, in feu to Mrs M'Kirlie, on the right bank.</p>	10th Feb. 1863.
CREED or STORNO- WAY and LAXAY.	<p>1st. That the limits of the district of the rivers Creed or Stornoway and Laxay shall be—Chumpan or Tiumpman Head on the north, to boundary between Lewis and Harris on the south; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—CREED, the fall opposite Sir James Matheson's grotto on the left bank of the river about 80 yards above the place where the high-water channel</p>	22d May 1868.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
<p>CREED or STORNO- WAY and LAXAY— <i>continued.</i> CERAN . . .</p>	<p>is divided into two by a rocky island ; LAXAY, rock called Fellow Rock, Man Rock or Cruich-a-dhuinne.</p> <p>1st. That the limits of the district of the river Ceran shall be—a line drawn from the southernmost point of the mainland immediately north of Eriska Island, and continued along the outer face of that island to the projecting point of the mainland nearest to the south-west point of the said island ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the ford a little above Clark's farmhouse of Glasdrum.</p>	<p>2d Dec. 1864.</p>
<p>CROWE and SHIEL (Loch Duich).</p>	<p>1st. That the limits of the district of the rivers Crowe and Shiel shall be—on the north, Eilean Donan Castle ; on the south, Kyle Rhea Ferry ; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the CROWE, 450 yards, measured down the course of the Crowe from the bridge over the said river of the public road from Shiel to Dornie Ferry ; and on the SHIEL 200 yards measured down the course of the Shiel from the bridge over the said river of the public road from Kyle Rhea to Dornie Ferry.</p>	<p>10th Feb. 1863.</p>
<p>DEE (Aberdeen- shire).</p>	<p>1st. That the limits of the district of the river Dee (Aberdeenshire) shall be—on the north, the march stone heretofore placed for the purpose of dividing the coast fishings of the Dee and the Don Rivers ; and on the south, the boundary between the parishes of Durnottar and Kineff ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p>	<p>10th Feb. 1863.</p>

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
DEE (Aberdeenshire) —continued.	2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the boundary between Pot and Ford Fishings and the Poldown Fishings, to the boundary between the Pot and Ford Fishings and the Ruthrieston Fishings.	
DEE (Kirkcudbright).	1st. That the limits of the district of the river Dee (Kirkcudbright) shall be—on the west, a straight line drawn from the summit of Bar Hill to the most northerly point of Barlocco Island, and continued through the isle on the East Aird Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the fishing house on the left bank of the river to the north end of Ashton Villa, the property of Murray Stewart, Esq., and in feu to James Knoworthy, Esq.	10th Feb. 1863.
DEVERON . . .	1st. That the limits of the district of the river Deveron shall be—on the west, Cowhyth Point; on the east, Cairnbulg Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the fall immediately below the island below Kick-side.	10th Feb. 1863.
DON . . .	1st. That the limits of the district of the river Don shall be—on the north, the northern boundary of the fishings of Menie; and on the south, the march stone heretofore placed for the purpose of dividing the coast fishings of the Dee and Don Rivers; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.	1st May 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
DON— <i>continued.</i>	2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river from the outlet of the tail lade of the mill on the left bank, immediately below Seaton House.	
DOON . . .	1st. That the limits of the district of the river Doon shall be—on the north, a line drawn due west from Seafeld House; on the south, Turnberry Castle Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the dyke or mill dam next the mouth of the river.	10th Feb. 1863.
DRUMMACHLOY or GLENMORE (Isle of Bute).	1st. That the limits of the district of the river Drummachloy or Glenmore, island of Bute, shall be the whole coasts of the islands of Bute, Inchmarnoch, Greater and Lesser Cumbræ. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the public road between Rothesay and Kil-michael.	22d Nov. 1867.
DUNBEATH . . .	1st. That the limits of the district of the river Dunbeath shall be—on the south, a line drawn south-east from Dunbeath Castle; and on the north, Ulbster Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a point of 120 yards above line to be drawn from the fish smoking house on the right bank to the cross fence dyke opposite to the said fish smoking house, and running at right angles with the river, on the left bank of the said river.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
ECKAIG . . .	<p>1st. That the limits of the district of the river Eckaig shall be—on the north, Strone Point at the north end of Holy Loch; and on the south, Strone Point in the Kyles of Bute; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the high road from Dunoon to Kilmun.</p>	10th Feb. 1863.
NORTH Esk . . .	<p>1st. That the limits of the district of the river North Esk shall be—on the north, the boundary between the parishes of Bervie and Benholm; on the south, the march between the properties of Montrose and Charlton; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn across the ford above Fluke Hole, from the east end of the land embankment on the right side of the river, to the pigeon house under Kirkside plantation, on the left side of the river.</p>	1st May 1863.
SOUTH Esk . . .	<p>1st. That the limits of the district of the river South Esk shall be—on the north, the march between the properties of Montrose and of Charlton; on the south, Red Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the Bridge of Dun.</p>	10th Feb. 1863.
EWE . . .	<p>1st. That the limits of the district of the river Ewe shall be—on the north, Greenstone Point; on the south, Ru Bane, opposite the north end of Longa Island; and that the districts shall consist of the portions of the</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
<i>EWE—continued.</i>	sea-coast and the estuary, and the river, contained between the said points.	
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris).	<p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road from Aultbea to Pool Ewe.</p> <p>1st. That the limits of the district of the rivers Fincastle, Meaveg, Ballanachist, South Lacastile, Borge, and Obb, on the west coast of Harris, shall be—on the north, the most northerly point of the island of Scarpa, thence along the west and south coast of that island, and by the shortest line to the mainland of Harris; and on the south Ru Renish, including the islands of Taransay, Ensay, and Killegray; and that the district shall consist of the portions of the sea-coast and the estuaries and rivers contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—with regard to the Fincastle River, the top of the Sea Pool at high water; with regard to the river Meaveg, the bridge on the high road between Tarbert and Fincastle; with regard to the river Ballanachist, the ford on the road from Tarbert to Fincastle; with regard to the South Lacastile River, the ford on the road from Tarbert to Luscantire; with regard to the Borge River, the bridge at Borge; and with regard to the Obb River, the mill at Obb.</p>	31st Dec. 1867.
FINDHORN	<p>1st. That the limits of the district of the river Findhorn shall be—on the west, a line drawn due north-west (true) from the summit of Macbeth's Hillock, and on the east, the ditch known as Cooper's Ditch, being the boundary between the properties of Lady Dunbar Brander, and Sir Alexander Gordon Cumming, Bart.; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
FINDHORN—cont.	of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the chimney of the steam-engine of Netherton, of Grange farm, steading, to the north end of the cot house, now in the occupation of the shepherd, Donald McLellan on Seafield farm, and continued across the river.	
FLEET (Sutherlandshire).	1st. That the limits of the district of the river Fleet (Sutherlandshire), shall be—on the south, Embo Point; on the north, Strath-steven Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the Mound.	9th Oct. 1863.
FLEET (Kirkcudbright).	1st. That the limits of the district of the river Fleet (Kirkcudbright), shall be—on the west the point south of Moss Yard, called Ring-dow Point; on the east, a straight line drawn from the summit of Bar Hill to the most northerly point of Barlocco Isle, and continued through the isle; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the high road from Castle Douglas to Newton Stewart.	10th Feb. 1863.
FORSS . . .	1st. That the limits of the district of the river Forss shall be—on the east, Brims Head; on the west, the boundary between the counties of Caithness and Sutherland; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
FORSS— <i>continued</i> .	be upper proprietors, shall be a line drawn from the north side of the fishing house on the beach, and on the right bank of the river, at right angles with the river.	
FORTH . . .	<p>1st. That the limits of the district of the river Forth shall be—on the north, Fife Ness; on the south, the boundary between the counties of Haddington and of Berwick; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the FORTH, the Craigforth cruive dyke; and on the ALLAN, the Scottish Central Railway bridge.</p>	10th Feb. 1863.
FYNE (Loch) . . .	<p>1st. That the limits of the district of Loch Fyne shall be—on the east, Ardlamont Point; on the west, Skipness Castle Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road from Inverary running round the head of Loch Fyne over the rivers Aray, Shira, and Fyne.</p>	10th Feb. 1863.
GIRVAN . . .	<p>1st. That the limits of the district of the river Girvan shall be—on the north, Turnberry Castle Point; on the south, Bennane Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 100 yards below the bridge on the high road from Ayr to Girvan.</p>	10th Feb. 1863.
GLENELG . . .	1st. That the limits of the district of the river Glenelg shall be—on the north, Kyle Rhea ferry; on the south, a line drawn due east	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
GLENELG— <i>cont.</i>	<p>from the north end of Sanday Island; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the stepping-stones across the river from Kirkton on the left bank to Galder on the right bank.</p>	
GOUR . . .	<p>1st. That the limits of the district of the river Gour shall be—on the north, the landing place at Corran Ferry; and on the south, a point two statute miles to the southward of the river Gour; the distance to be measured along the coast at high-water mark from the easternmost point of the south bank of the said river's mouth; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be Sallachan Bridge.</p>	10th Oct. 1863.
GREISS, LAXDALE, and TONG or THUNGA.	<p>1st. That the limits of the district of the river Greiss shall be Butt of Lewis on the north; Chumpan or Tiumpun Head on the south; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be GREISS stone wall on left bank running north and south a little to the eastward of Greiss shepherd's house, and extending down to the river.</p> <p>LAXDALE—Line due south from Giarraidh Scolr.</p> <p>TONG or THUNGA—Ford of Sands road which passes manse.</p>	22d May 1868.
GRUDIE or DIONARD	<p>1st. That the limits of the district of the river Grudie or Dionard shall be—on the east, Cave of Smoo; on the west, Cape Wrath;</p>	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
GRUDIE or DIONARD <i>—continued.</i>	and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the site of the old cruives above Rocky Island.	
GRUINARD and LITTLE GRUINARD.	1st. That the limits of the district of the rivers Gruinard and Little Gruinard shall be—on the east, Statie Point; on the west, Greenstone Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the lodge in the occupancy of Major Duff, at right angles with the river.	10th Feb. 1863.
HALLADALE . . .	1st. That the limits of the district of the river Halladale shall be—on the east, the boundary between the counties of Caithness and Sutherland; on the west, Rhu-na-Claich; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the ferry on the road from Thurso to Tongue.	9th Oct. 1863.
HELMSDALE . . .	1st. That the limits of the district of the river Helmsdale shall be—on the south, Crakaig Point; on the north, boundary between the counties of Caithness and Sutherland; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the west dyke of the burying ground at Helmsdale to the cross dyke opposite.	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
HOPE and POLLA, or STRATHBEG.	<p>1st. That the limits of the district of the rivers Hope and Polla, or Strathbeg, shall be—on the east, Strone-an-dainf; on the west, Cave of Smoo; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, for the HOPE, the bottom of "Great Hill Pool," 48 yards below the old cruives; and for the river POLLA, the bridge of the road from Tongue to Durness.</p>	9th Oct. 1863.
INCHARD	<p>1st. That the limits of the district of the river Inchard shall be—on the north, Cape Wrath; on the south, Ardmore Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the cruive below bridge of public road from Durness to Scourie.</p>	9th Oct. 1863.
INNER (in Jura)	<p>1st. That the limits of the district of the river Inner in Jura shall be—the whole coasts of the islands of Jura and Scarba, with the rocks and islets adjoining thereto.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the end of wall extending to right bank of river from keeper's house.</p>	24th Nov. 1865.
INVER	<p>1st. That the limits of the district of the river Inver shall be—on the north, Stoirhead; on the south, Kirkaig Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall</p>	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
<p>INVER—<i>continued</i></p> <p>IORSA (in Arran)</p>	<p>be upper proprietors, shall be the bridge on the road from Inver to Lairg.</p> <p>1st. That the limits of the district of the river Iorsa in Arran shall be—the whole coast of the Island of Arran, including Pladda and Lamish, or Holy Island.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge below Iorsa Cottage.</p>	<p>24th Nov. 1865.</p>
<p>IRVINE and GARNOCK.</p>	<p>1st. That the limits of the district of the rivers Irvine and Garnock shall be—on the north, Fairlie Head; on the south, the lighthouse on the point of Troon harbour; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be Fullerton Bridge on the IRVINE, and the bridge of the Glasgow and South-Western Railway on the GARNOCK.</p>	<p>10th Feb. 1863.</p>
<p>KENNART</p>	<p>1st. That the limits of the district of the river Kennart shall be—on the north, Ru Dunan Point; on the south, a line drawn from the south-east point of Isle Martin to Ardmair Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the high road from Inver to Ullapool.</p>	<p>10th Feb. 1863.</p>
<p>KINLOCH (Kyle of Tongue).</p>	<p>1st. That the limits of the district of the river Kinloch (Kyle of Tongue) shall be—on the east, Port Lamigoe; on the west, Strone-andainf; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors</p>	<p>9th Oct. 1863.</p>

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
KINLOCH—<i>cont.</i>	of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be stepping-stones above Kinloch Farm House.	
KILCHOAN or INVERIE (Loch Nevis).	<p>1st. That the limits of the district of the river Kilchoan or Inverie (Loch Nevis) shall be—on the north, Ardna Slisnich Point; on the south, Maleg Rocks; and that the district shall consist of the portion of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river, from the end nearest the river of the dyke next below Kilchoan House.</p>	10th Feb. 1863.
KIRKAIG . . .	<p>1st. That the limits of the district of the river Kirkaig shall be—on the north, Kirkaig Point; on the south, the Dunan Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the head of the pool below the old cruives known as the Craigford Pool.</p>	10th Feb. 1863.
KISHORN . . .	<p>1st. That the limits of the district of the river Kishorn shall be—on the north, Skeir Vore; and on the south, the Aird; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road from Jeantoun to Applecross.</p>	10th Feb. 1863.
KYLE OF SUTHERLAND.	1st. That the limits of the district of the Kyle of Sutherland shall be—on the east, Tarbet Ness; on the west, Embo Point; and that the district shall consist of the portions of	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
KYLE of SUTHERLAND—continued.	<p>the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—on the OYKILL, the end next the rim of the cross dyke at the west end of the Castlehaugh situated at side of public road from Lairg to Oykill bridge; on the CASSILY, the end next the run of the cross dyke on the left bank of the Cassily next to its junction with the Oykill; on the SHIN, the upper end of the Garden Pool; on the CARRON, a line drawn from Balganowan fishing-house on the right bank to the chimney of the steam-engine of the farm of Inver Carron on the left side of the river.</p>	
LAGGAN and SORN (in Islay).	<p>1st. That the limits of the district of the river Laggan in Islay shall be—the whole coast of the islands of Islay, Colonsay, and Oronsay, with the rocks and islets immediately adjoining thereto.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—LAGGAN corner of wall with field gate on the right bank at first bend from river mouth; SORN, fence of Islay House grounds.</p>	24th Nov. 1865.
LAXFORD	<p>1st. That the limits of the district of the river Laxford shall be—on the north, Ardmore Point; on the south, Stoirhead; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Durness to Scourie.</p>	9th Oct. 1863.
LEVEN	<p>1st. That the limits of the district of the river Leven shall be—on the north, the landing-place on the Inverness-shire shore of Corran Ferry; on the south, the projecting point north-west of Ardsheal House; and that the district shall consist of the portions of the</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LEVEN—continued.	<p>sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 150 yards below the Boine Burn on the right bank of the river, the distance to be measured down the course of the river.</p>	
LITTLE BROOM	<p>1st. That the limits of the district of the river Little Broom shall be—on the north, Cailleach Head; on the south, Statie Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn due north-east from the saw-mill, the property of Hugh Mackenzie of Dundonnell, Esquire.</p>	9th Oct. 1863.
LOCHY	<p>1st. That the limits of the district of the river Lochy shall be—on the west, Barony Point; on the east, Port Appin Ferry, including the west coast of Lismore, excepting those portions of the coast and estuary and rivers which lie between a point two statute miles to the northward of the mouth of the river Scaddle, the distance to be measured by a line drawn along the shore at high-water mark from the most southernly point on the left bank of the mouth of the said river, and the march burn forming the boundary between the properties of Ard gour and Kingairloch, and excepting the portions of the sea-coast and estuary and river which lie between the landing-place on the Inverness shore of Corran Ferry and the projecting point north-west of Ardsheal House; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall</p>	6th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LOCHY— <i>continued</i> .	be upper proprietors, shall be one quarter of a mile above the suspension bridge on the public road from Bannavie to Fort William, the distance to be measured along the course of the river.	
LOCH LONG (Luingi and Elchaig).	1st. That the limits of the district of Loch Long (Luingi and Elchaig) shall be—on the west, Kyle Akin Ferry; on the east, Eilean Donan Castle, together with that portion of the Island of Skye which lies between Kyle Akin and Kyle Rhea Ferries; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river immediately below the junction of the Luingi and Elchaig.	10th Feb. 1863.
LOCH ROAG (Lewis), Rivers BLACKWATER, GRIMERSTA, and MORSGAIL.	1st. That the limits of the district of Loch Roag (Lewis), rivers Blackwater, Grimersta, and Morsgail, shall be—Butt of Lewis on the north-east to Gobnah Airde Moire on the Ordnance Map, called Ru-a-Chruidh on the Admiralty Chart, on the south-west; and that the district shall consist of the portions of the sea-coast and the estuary and the rivers, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—BLACKWATER, lowest bridge, namely, that of public road from Stornoway to Uig; GRIMERSTA, cruipe below lowest bridge, namely, that of public road from Stornoway to Uig; MORSGAIL, lowest bridge, namely, that of public road from Stornoway to Uig.	22d May 1863.
LUCE . . .	1st. That the limits of the district of the river Luce shall be—on the west, the lighthouse on the Mull of Galloway; and on the east, Gillespie River; and that the district shall consist of the portions of the sea-coast and	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LUCE— <i>continued</i> .	<p>the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the point of the Bent of Balcarrie, the property of Sir John Dalrymple Hay, Bart., to the cottage in the occupation of John Baillie of the island, also the property of the said Sir John Dalrymple Hay.</p>	
LOSSIE	<p>1st. That the limits of the district of the river Lossie shall be — on the west, the ditch known as Cooper's Ditch, being the boundary between the properties of Lady Dunbar Brander and Sir Alexander Gordon Cumming, Bart.; and on the east, a line, drawn due north (true) from the west end of the Bent Hills on the right bank of the said river Lossie; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the ford on the old road from Lossie-Mouth to Garmouth.</p>	10th Feb. 1863.
LUSSA (Mull) and River, LOCH UISK to LOCH BUY.	<p>1st. That the limits of the district of the river Lussa (Mull) and river from Loch Uisk to Loch Buy shall be Duart Castle, at the south-east; entrance of the Sound of Mull, on the north-east; Fiddon in the Sound of Iona, including Earraid Island on the south-west; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, LUSSA, junction of the first stream from the left bank down from the bridge of the public road over the Lussa to Loch Buy, which stream flows through the bridge on the public road between Craignure and Loch Scraidain;</p>	23d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LUSSA, &c.— <i>contd.</i>	river from LOCH UISK into LOCH BUY, line of north or north-west side of Moy Castle.	
MOIDART. . .	1st. That the limits of the district of the river Moidart shall be—a line, drawn in a northerly direction from a point of land or rock on the mainland of the south shore of Loch Moidart, called Stroulinorg, through the centre of the island called Eilean Grucach or Gruachan, thence through that portion of the island of Strona called Stronabeg till it reaches the mainland of the north shore of Loch Moidart; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 200 yards (to be measured by the course of the river) down stream from the bridge over the Moidart on the road from Moidart to Shiel.	10th Feb. 1863.
MORAR . . .	1st. That the limits of the district of the river Morar shall be—on the north, Maleg Rocks; on the south, Ru-Arasaig; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road to Arasaig.	10th Feb. 1863.
MULLANAGEREN, HORASARY, and LOCH - NA - CISTE (North Uist).	1st. That the limits of the district of the rivers Mullanageren, Horasary, and Loch-na-Ciste shall be the whole coasts of the island of North Uist, including the islands of Pabbay, Berneray, Baleshare, and adjacent islets; and that the district shall consist of the portions of the sea-coast, and the estuaries and rivers of the said islands. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—with regard to the Mullanageren River, the mill on the	31st Dec. 1867.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
MULLANAGEREN— <i>continued.</i>	river; with regard to the Horasary River, the bridge over the river; and with regard to Loch-na-Ciste, the bridge on the south road.	
NAIRN . . .	1st. That the limits of the district of the river Nairn shall be—on the west, a point on the coast two and one-half statute miles, to be measured westward in a straight line from the outer end of the west pier of Nairn Harbour, and on the east a line drawn due north-west (true) from the summit of Macbeth's Hillock; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road over the Nairn River from Nairn to Forres.	10th Feb. 1863.
NAVER and BORGIE	1st. That the limits of the district of the rivers Naver and Borgie shall be—on the east, Armadale Point; on the west, Port Larmigoe; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points. 2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—for the river Naver, the ferry at the road from Thurso to Tongue; for the river BORGIE, the foot bridge between Torrisdale and Borgie Lone.	27th Nov. 1863.
NESS . . .	1st. That the limits of the district of the river Ness shall be—on the west, a straight line drawn from the north pier to the south pier of Kessock Ferry; on the east, a point on the coast two and one-half statute miles, to be measured westward in a straight line from the outer end of the west pier of Nairn Harbour, and on the north-west Sutor Point; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points. 2d. That the point below which the proprietors	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
<i>NESS—continued.</i>	of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a straight line drawn at right angles with the river, at the lowest point of the island.	
NELL, FEOCHAN, and EUCHAR (Loch Feochan).	<p>1st. That the limits of the district of the rivers Nell, Feochan, and Euchar shall be—on the north, Minard Point; on the south, the bridge from the mainland over Siel Sound to Jul Island; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, the rivers NELL and FEOCHAN, the bridge of the public road between Oban and Airdrishaig; and for the river EUCHAR, an extension of the line of cross stone dyke on left bank of the river below the Free Church and a little above Breadalbane fishing house.</p>	2d Dec. 1864.
NITH	<p>1st. That the limits of the district of the river Nith shall be—on the west, the most projecting point of land, south-east of Whitehill, between Portling Bay and Portowarren Bay; on the east a line drawn due south (true) from the easternmost end of East Park Farm, sea-bank; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the dyke or mill dam next the mouth of the river.</p>	10th Feb. 1863.
ORMSARY (Loch Killisport), LOCH HEAD RIVER, and STORNOWAY (Mull).	<p>1st. That the limits of the district of the rivers Ormsary (Loch Killisport), Loch Head River, and Stornoway (Mull) shall be—Knap Point on the north, Mull of Cantyre on the south; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors</p>	2d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
ORMSARY— <i>contd.</i>	<p>of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, ORMSARY, fall 60 yards below bridge of public road along shore; LOCH HEAD RIVER, upper end of new straight cut or channel on left bank of river, which new cut has been closed up at the ends; STORNOWAY RIVER, bridge of public road to Lergnahunseon; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p>	
PENNYGOWN or GLENFORS A and AROS.	<p>1st. That the limits of the district of the rivers Pennygown or Glenforsa and Aros shall be—on the east Duart Castle, and on the west Ardmore Point at the two extremities of the Sound of Mull; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, PENNYGOWN, rocky waterfall about 100 yards above general time of high water at beach; AROS, bridge of road between Salen and Tobermory.</p>	2d May 1865.
RESORT . . .	<p>1st. That the limits of the district of the river Resort shall be—Gobnah Airde Moire, on the Ordnance Map called Ru-a-Chruidh on the Admiralty Chart in Lewis, on the north or east through the shortest distance between the mainland of Harris to Scarpa Island, and to the most northerly point of that island on the south or west; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the mouth of stream in Harris immediately below Mr Millbank's cottage.</p>	22d May 1868.
RUEL or DARUEL .	<p>1st. That the limits of the district of the river Ruel or Daruel shall be—on the west, Arda-</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
RUEL or DABUEL— <i>continued.</i>	<p>mont Point ; on the east, Strone Point, in the Kyles of Bute ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the head of island in Gosthen, Ferninach field, on the farm of Loch Head, the property of Mrs Campbell, Ormidale House.</p>	
SANDA	<p>1st. That the limits of the district of the river Sanda shall be—on the north, a point two statute miles to the southward of the mouth of the river Gour, the distance to be measured along the coast at high-water mark from the easternmost point of the south bank of the said river's mouth ; and on the south, the march burn forming the boundary between the properties of Ardgour and Kingairloch ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a straight line drawn from a rock known as the Sanda Rock to the smearing house, which is 70 yards below the stepping-stone, in the ford below the farmhouse of Inversanda.</p>	17th July 1863.
SCADDLE	<p>1st. That the limits of the district of the river Scaddle shall be—on the north, a point two statute miles to the northward of the mouth of the river Scaddle, the distance to be measured by a straight line from the most southernly point on the left bank of the mouth of the river ; and on the south, the landing-place on the Argyllshire shore of Corran Ferry ; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
SCADDLE—<i>contd.</i>	above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the public road from Inverscaddle to Corran Ferry.	
SHIEL (Loch Shiel) .	<p>1st. That the limits of the district of the river Shiel, Loch Shiel, shall be—on the north Ru Smirsiri, and on the south Stron Beg in the Sound of Mull, excepting that portion of the coast and estuary and river contained within a line drawn in a northerly direction from a point of land or rock on the mainland on the south shore of Loch Moidart called Stroulinorg, through the centre of the island, called Eilean Grucach, thence through that portion of the island of Strona called Stronabeg till it reaches the mainland of the north shore of Loch Moidart; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the site of the cruives.</p>	10th Feb. 1863.
SLIGACHAN, BROADFORD, and PORTREE.	<p>1st. That the limits of the district of the rivers Sligachan, Broadford, and Portree shall be—south coast included between Ru Ard de Cheolan or Aird Point on north to Sleat Point on south; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—SLIGACHAN, forester's house at mound on left bank of the river; BROADFORD, Mr Mackinnon's shepherd's house; PORTREE, foot bridge to Bentmore Farm.</p>	2d May 1865.
SNIZORT, ORLEY, OZE (Loch Bracadale), and DRYNOCH (Loch Harport).	1st. That the limits of the district of the rivers Snizort, Orley, Oze (Loch Bracadale), and Drynoch (Loch Harport) shall be—west coast included between Ru Ard de Cheolan or Aird Point on north; Sleat Point on	23d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
SNIZORT, &c.—<i>contd.</i>	south; and that the district shall consist of the portions of the sea-coast and the estuary, and the rivers, contained between the said points.	
SPEY . . .	<p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—SNIZORT, at the rocky fall at meal mill on right bank; ORLEY, bridge of public road near Caroy Inn on map; OZE, upper end of Old Yairs; DRYNOCH, head of Loch Harport, bridge of public road, Dunvegan to Sligachan.</p> <p>1st. That the limits of the district of the river Spey shall be—on the west, a line drawn due north (true) from the west end of the Bent Hills on the right bank of the river Lossie, and on the east Cowhyth Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the gasworks chimney at Garmouth to Flood Farmhouse in the occupation of Adam Robertson, and the property of the Duke of Richmond.</p>	10th Feb. 1863.
STINCHAR . . .	<p>1st. That the limits of the district of the river Stinchar shall be—on the north Bennane Head; on the south the lighthouse on the Mull of Galloway; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be 200 yards below the bridge of the high road from Ballantrae to Stranraer.</p>	20th Sept. 1867.
STRATHY . . .	1st. That the limits of the district of the river Strathy shall be—on the east, Rhu-na-Claich; on the west, Armadale Point; and that the district shall consist of the portions of the	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
STRATHY— <i>contd.</i>	<p>sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge on the road from Thurso to Tongue.</p>	13th Oct. 1863.
SUNART (Loch)	<p>1st. That the limits of the district of Loch Sunart shall be—on the east, the end of Fuenary Island; on the west, Stron Beg in the Island of Mull; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be—on the river STRONTIAN, bridge of public road from Strontian to Sheilbridge; on river CARNICH, bridge of road to Carnich Farm and Loch Head.</p>	
TAY . . .	<p>1st. That the limits of the district of the river Tay shall be—on the north, Red Head; on the south, Fife Ness; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be, on the TAY, the Bridge of Perth; on the EARN, the North British Railway Bridge.</p>	10th Feb. 1863.
THURSO . . .	<p>1st. That the limits of the district of the river Thurso shall be—on the east, Duncansbay Head, and on the west, Brims Ness; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the bridge of the public road at Thurso.</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
TORRIDON . . .	<p>1st. That the limits of the district of the river Torridon shall be—on the north, Ru Ruag; and on the south, the mouth of the burn at Camustrole near the south-east corner of Upper Loch Torridon; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the stepping-stones leading from Torridon Road to Shieldag.</p>	10th Feb. 1863.
TWEED . . .	See the end of this Schedule.	
UGIE . . .	<p>1st. That the limits of the district of the river Ugie shall be—on the north, Cairnbulg Point; on the south, the boundary between the parishes of Peterhead and Cruden; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn from the rock standing on the left bank of the river Ugie in mains of Inverugie Farm to the north side of the farmstead of Waterside of Balmoor on the right bank.</p>	10th Feb. 1863.
ULLAPOOL . . .	<p>1st. That the limits of the district of the river Ullapool shall be—on the north, a line to be drawn from the south-east point of Isle Martin to Ardmail Point; and on the south, the boundary between that portion of the county of Cromarty and of the county of Ross; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line</p>	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LLAPOOL— <i>contd.</i>	drawn at right angles with the river, from the lower end of the island next the mouth of the river.	
URR . . .	<p>1st. That the limits of the district of the river Urr shall be—on the west, Aird Point; on the east, the most projecting point of land south-east of Whitehill between Portling Bay and Portowarren Bay; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a rock or large stone on the left bank of the river 140 yards above the point of junction with the Dal-beattie Burn.</p>	10th Feb. 1863.
WICK . . .	<p>1st. That the limits of the district of the river Wick shall be—on the south, Ulbster Head, and on the north, Duncansbay Head; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be a line drawn at right angles with the river, at the upper end of the old cruives.</p>	10th Feb. 1863.
YTHAN . . .	<p>1st. That the limits of the district of the river Ythan shall be—on the north, the boundary between the parishes of Peterhead and Cruden; on the south, the northern boundary of the fishings of Menie; and that the district shall consist of the portions of the sea-coast and the estuary, and the river, contained between the said points.</p> <p>2d. That the point below which the proprietors of fisheries shall be lower proprietors, and above which the proprietors of fisheries shall be upper proprietors, shall be the old ford, known as Ellis Ford, on the old road (now unused) from Peterhead to Aberdeen.</p>	1st May 1863.

TWEED.

25 & 26 Vict. cap. 97, and 26 & 27 Vict. cap. 50.

We, the Commissioners appointed under the 25th & 26th Vict. cap. 97, and empowered by the 26th & 27th Vict. cap. 50, to extend the limits of the mouth or entrance of the river Tweed northwards from the limits thereof, as defined in the "Tweed Fisheries Amendment Act, 1859," along the sea-coast and into the sea to such points and to such extent as we may fix, do hereby fix and determine that the limits of the mouth or entrance of the said river Tweed shall extend northwards from the limits thereof as defined in the said "Tweed Fisheries Amendment Act, 1859," along the sea-coast to the boundary between the counties of Haddington and of Berwick, and shall also extend into the sea five miles in front of that portion of the coast hereby added to the limits of the said river Tweed, the distance to be measured at right angles with the coast.

Given under our hands, this 10th day of August 1863,

W. J. FFENNEL,	} Commissioners.
FRED. EDEN,	
JAMES LESLIE,	

Fisheries Department, Home Office.

Approved,

Whitehall, 30th September 1863,

G. GREY.

(This byelaw to take effect from the 6th day of October 1863).

SCHEDULE (B).

BYELAW.

25th and 26th Vict. cap. 97. 26th and 27th Vict. cap. 50.
27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the salmon fisheries of Scotland." District of the river ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to fix and define, for the purposes of this [the first-recited] Act, and the other Acts relating to salmon and salmon fisheries in Scotland, the natural limits which divide each river in Scotland (including the estuary thereof) from the sea, in so far as the same may not be already fixed by statute or by judicial decision," do hereby fix and define the limits which divide the river Add, including the estuary thereof, from the sea, to be, on the north, the most projecting point 400 yards

west-south-west of Duntroon Castle; on the south, a point nearly 200 yards west of the mouth of the Crinan Canal.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
26th day of April 1864.

Approved,
G. GREY.

Whitehall, 26th August 1864.

(This byelaw to take effect from the 6th day of September 1864.)

The same byelaw shall apply to the several rivers according to the limits, and take effect from the dates, undermentioned respectively.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
ALINE . . .	A straight line drawn 15 degrees north of true west from Bolorkle Point on the east shore to the mainland on the west shore.	11th Mar. 1865.
ALNESS . . .	A straight line drawn between the East and West Sutors of Cromarty.	14th Mar. 1865.
ANNAN . . .	See Nith.	—
APPLECROSS . . .	A straight line drawn from mouth of burn on the north shore outward, and distant 1500 yards from the manse, to the outermost pier on the south shore, which is distant 900 yards from the innermost pier.	11th Mar. 1865.
ARNISDALE (in Loch Hourn).	A straight line drawn from the west end of Dry Island on the north side of Arnisdale River, through Skier Laven, to the Ru on the south side of that river.	11th Mar. 1865.
AWE . . .	The point north-west of Dunstaffnage Castle on the south, and the south-west point of Garbhart on the north.	6th Sept. 1864.
AYLORT (Kinloch) .	A straight line drawn from the outermost point of Aird Nish on the north shore, through Goat Island, to the mainland on the south.	11th Mar. 1865.
AYR . . .	A segment of a circle of 400 yards radius, drawn from a centre placed half-way between the outer end of the breakwater and the outer end of the south pier, with tangents to the circle extended to meet high-water mark of spring tides in the direction of the south end of Newton Lodge on the north,	14th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
<i>AYR—continued.</i>	and in the direction of the seaward end of the lane south of the gasworks on the south.	
BALGAY	<i>See Torridon.</i>	—
BAA and GLENCOLL- LEADAR	As regards the river BAA,—a straight line due north and south through the outer end of Eorsa Island. As regards the river GLENCOLL-LEADAR,—Ard Kilfinichen on the north, a straight line thence in the direction of the Free Church to the south shore.	4th Aug. 1865.
BEAULY	A straight line, drawn due south-east, true meridian, from the centre of the three burns to the southern shore, thus cutting the Black Buoy, as at present placed on the north end of the Whiten Ness Sands.	18th June 1865.
BADACHRO and KERRY (in Gair- loch).	A straight line drawn from the north-western point of Stron-na-Ard on the east shore, touching the outer end of Eilean Horrisdale, to the mainland west.	18th June 1865.
BLADENOCH, CREE, and FLEET.	A straight line drawn from Eggerness Point on the west, through the centre of Barlocco Island, thence to the nearest point of the mainland on the east of that island.	11th Mar. 1865.
BERRIEDALE	A straight line of about 250 yards in length, drawn in a direction a little to the east of true north from the most projecting point of rocks above low water, south-east of the old castle, to the most projecting point of rock at low water, south-east of the northern extremity of the small bay into which the river discharges, and the shortest lines connecting those rocks with the shore.	22d April 1864.
BERVIE	A portion of a circle of 150 yards radius, to be drawn from a centre placed mid-channel in the river where it joins the sea at low water at equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	22d April 1864.
BROOM and ULLA- POOL (Loch Broom).	A straight line drawn from Ru-na-Caddal on the north to the Ru-Camas Voarach on the south.	18th June 1865.
BRORA	A portion of a circle of 800 yards radius, having its centre in mid-channel of the river at low water of spring tides, and extended	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
BRORA— <i>continued</i> .	shorewards by tangents at right angles to (or to the nearest point of) high-water mark.	
CARRADALE (in Cantyre).	From the outermost point at low water of spring tides of the most projecting point of rocks on the south or right side of the river a straight line drawn westward to the nearest point of the shore, and another straight line drawn in the direction of Carradale House, both lines extending up to high-water mark.	26th Jan. 1866.
CARRON	<i>See</i> Kishorn.	—
CLAYBURN, FINNIS-BAY, AVEN-NAN-GEREN, STRATHGRAVAT, NORTH LACASTILE, SCALLADALE, and MAWRIG (East Harris).	As regards the river CLAYBURN, a straight line drawn between the two outer points across the mouth of Bayhead; as regards FINNIS-BAY and AVEN-NAN-GEREN River, a straight line from Cuidenish Point on the north to Ru Ardtulusish on the south; as regards STRATHGRAVAT River, a straight line drawn from Ru Ghoecrabb on the south, through the centre of Stockinish Island, to the opposite shore of the bay; as regards NORTH LACASTILE River, a straight line from the Ru Meanach on the east to Rhu Dhu on the west; as regards SCALLADALE and MAWRIG Rivers, a straight line drawn from the mouth of the river forming the boundary between Lewis and Harris at low water to the narrow point of Rainigatel.	19th June 1868.
CLYDE and LEVEN and ECKAIG.	A straight line drawn east from Toward Point light.	7th Mar. 1865.
CONON	A straight line drawn between the East and West Sutors of Cromarty.	7th Mar. 1865.
CREE	<i>See</i> Bladenoch.	—
CREED or STORNOWAY, and LAXAY.	As regards the river CREED or STORNOWAY, a line drawn due east from the lighthouse. As regards the river LAXAY, a straight line drawn from Eilean Chalabrig on the north to the outer end of Eilean Chalam Ghille and a straight line thence to the south shore.	4th Aug. 1865.
CRERAN (Loch Creran).	A line drawn from the southernmost point of the mainland immediately north of Ereska Island, and continued along the outer face of that island to the projecting point of the mainland nearest to the south-west point of the said island.	11th Mar. 1865.
DEE (Aberdeenshire).	A portion of a circle of 400 yards radius to be drawn from a centre placed midway be-	7th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
DEE (Aberdeenshire) —continued.	tween the outermost point of the north pier and the outermost point of the breakwater, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark of equinoctial spring tides.	
DEE (Kirkcudbright)	A straight line drawn from Balinoc Head to the outer point of Little Ross Island, and thence to the nearest point on the mainland.	22d April 1864.
DEVERON . . .	A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	7th Mar. 1865.
DON . . .	A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	22d April 1864.
DOON . . .	A segment of a circle of 400 yards radius, drawn from a centre placed half-way between the nearest end of the two rocks on the opposite sides of the river mouth, and on the line of the seaward side of those rocks, both at low water of equinoctial spring tides, with tangents to the circle extending to where the other line on the 6-inch Ordnance Map, showing the municipal boundary, crosses high-water mark on the north, and extending to high-water mark in the direction of Allo-way corn mill on the south, being at high-water mark 250 yards from the south side of the river.	14th Mar. 1865.
DRUMMACHLOY or GLENMORE (Island of Bute).	A straight line drawn from Kildavannan Point to Island McNeil.	5th May 1863.
DUNBEATH . . .	On the north, the most projecting point of Pitormie Head; on the south, the projecting rock near the castle, and between the castle and the harbour and seaward a semicircle	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
DUNBEATH—contd.	drawn from a centre placed half-way between those points.	—
ECKAIG . . .	<i>See</i> Clyde and Leven.	—
ESK (Kirkcudbright)	<i>See</i> Nith.	14th Mar. 1865.
ESK, NORTH (Forfar)	A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	14th Mar. 1865.
ESK, SOUTH . . .	A straight line drawn from the Tower of Scurdy Ness to the outermost point of Scurdy Stone; thence a straight line extending due north 500 yards; and on the north a straight line to be drawn from the last-named point to a point at high-water mark, spring tides, 800 yards distant from the low lighthouse, the distance to be measured in a straight line.	22d April 1864.
EWE . . .	A straight line drawn from Ru-na-Gavann on the west shore to Ru Con on the east shore.	11th Mar. 1865.
EUCHAR . . .	<i>See</i> Nell and Feochan.	—
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris).	As regards the FINCASTLE River, a straight line from Ru More to Airdthurinish; as regards the MEAVEG River, a straight line drawn from Airdmeaveg on the west to Airdtolmochan on the east; as regards the BALLANACHIST River, a straight line from Hellenish Point on the west to Camp Point on the east; as regards the SOUTH LACASTILE River, a straight line from Aird Nisibost on the south to Airdgrodernish on the north; as regards the river BORVE, a straight line from Ru Romagi on the north to Sgeir-nan-Sgarb on the south; and as regards the river OBB, a straight line from Ru Harnan to Cormanish Point.	19th June 1868.
FINDHORN . . .	A line drawn due north from the outermost of the two shipping piers of the town of Findhorn as extends from high-water mark outwards to 200 yards below low water of equinoctial spring tides; on the west, a line parallel with and one and a half miles distant from the foregoing described line, and also extending outwards from high-water	7th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
FINDHORN— <i>contd.</i>	mark to 200 yards below low water of equinoctial spring tides; and on the north a line of 200 yards out from low water of equinoctial spring tides, and connecting the outer ends of the two lines herein-before described.	
FLEET (Sutherland-shire).	A portion of a circle of 1200 yards radius, having its centre in mid-channel of the river at the lower light, and continued to meet high-water mark.	11th Mar. 1865.
FLEET (Kirkcudbright).	<i>See</i> Bladenoch.	—
FORSS	A straight line drawn from the most north-westerly point of the shore on the west side of the river to the projecting point midway between Brimsness and Cross Kirk on the east side of the river.	22d April 1864.
FORTH	A straight line drawn from the Hound Point on the south shore to St David's Point on the north.	14th Mar. 1865.
FYNE, SHIRA, and ARAY (Loch Fyne).	<i>Craigan's Ferry</i>	11th Mar. 1865.
GIRVAN	A portion of a circle of 300 yards radius, drawn from a centre placed mid-channel of the river where it joins the sea at low water of equinoctial spring tides, and continued to the shore at high-water mark on the respective sides of the river by tangents to the circle drawn at right angles with the shore.	22d April 1864.
GLENELG	A straight line drawn from the east side of the rocks forming the western extremity of Bernera Bay on the north to the projecting point of land at high-water mark immediately north of Eilean Reach or Glenbeg River, and Eilean Reach House on the south.	11th Mar. 1865.
GOUR	<i>See</i> Lochy.	—
GREISS, LAXDALE, and TONG or THUNGA.	As regards the rivers LAXDALE and TONG or THUNGA, from the rocks at Rudhu-na-Monach at low-water line on the north to Gobnan Clach at high-water line on the south. As regards the river GREISS, from the outer point of Sgeir Leathain Island a straight line drawn north to Ston Ruadh and south-west to Creag-Mhor-Bhataisgeir.	4th Aug. 1865.
GRUDIE or DIONARD	A straight line from Far Out Point on the east to Stoir Point on west (Admiralty Chart).	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
GRUINARD and LITTLE GRUINARD.	A straight line drawn from the most projecting point between Gruinard House and Douran Rocks on the north to the projecting point west of Mill Bay on the south.	11th Mar. 1865.
HALLADALE . . .	A straight line drawn due west across Melvert Bay from the most projecting point of Salmon Rocks on east.	11th Mar. 1865.
HELMSDALE . . .	A portion of a circle of 300 yards radius, having its centre in mid-channel of the river at low water of spring tides, and extended shorewards on the north side by a tangent drawn at right angles to (or the nearest point of) high-water mark, and on the south by a tangent drawn to meet high-water mark at the distance of 300 yards west of the point of land occupied by a curing yard on the west or left bank of the river at high water.	11th Mar. 1865.
HOPE and POLLA or STRATHBEG.	A straight line from Grave Point on west, through outer end of Skeir Bhuie Island and continued east shore (Admiralty Chart).	11th Mar. 1865.
INCHARD . . .	A straight line drawn from Kean Point on north to the outer point of land between Loch Inchard and Loch Kinsale on south.	11th Mar. 1865.
INNER (in Jura) . .	A part of a circle of 300 yards radius, having its centre in the middle of the principal channel of the river at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	26th Jan. 1866.
INVER . . .	A straight line drawn from Kirkaig Point on south to Rue Roe on north (Admiralty Chart).	11th Mar. 1865.
IORSA in Arran . .	A portion of a circle of 400 yards radius drawn from the centre of the river at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	26th Jan. 1866.
IRVINE and GARNOCK	A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel abreast of the beacon, and continued to the shore at high-water mark on the respective	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
IRVINE AND GARNOCK— <i>continued</i> . KENNART . . .	sides of the river by tangents to the circle drawn at right angles with the shore. A straight line drawn from Ru Beg on the south to the westernmost point of Mealan Bhuie on the north.	11th Mar. 1865.
KINLOOH (Kyle of Tongue) . . .	A straight line from outer point of pier, Scullornie Harbour, on east, to most projecting point of Ard Skuinees on west (Burnett and Scott's County Map).	11th Mar. 1865.
KILCHOAN or INVERIE . . .	A straight line drawn from Scottis House on the north side of the river to Creag Eilean on the south side of the river, and a line from thence to the nearest point of the mainland.	11th Mar. 1865.
KIRKAIG . . .	A straight line drawn from Weather Lump on the north shore, through Big Rock, to the south shore.	11th Mar. 1865.
KISHORN and CARRON . . .	A straight line drawn from the most northern point of Ru-More to the outside of Garra Island, and a line thence along the outside of Kishorn Island to the nearest point to that last-mentioned island of the mainland to the north.	11th Mar. 1865.
KYLE of SUTHERLAND (Shin, Carron, Oykil, and Cassily).	On the north, a straight line drawn from Dornoch Church in the direction of Tarbet Ness Lighthouse; and on the east, a straight line drawn due south, true meridian, from the village of Inver, to meet the before-mentioned line, the point of meeting of the two lines being three and a quarter statute miles from high-water mark at Dornoch, and a like distance from high-water mark at Inver.	13th June 1865.
LAGGAN and SORN (in Islay).	LAGGAN.—Part of a circle of 400 yards radius, having its centre in the middle of the river at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides. SORN.—A straight line from the point of the Black Rocks on the west, to Penneyraig on the east, both ends of the line extending up to high-water mark.	26th Jan. 1866.
LAXFORD . . .	From Dougal Head on the north-east, through centre of Island Skein, to mainland on south-west (Admiralty Chart).	11th Mar. 1865.
LEVEN . . .	<i>See</i> Lochy.	—

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
LITTLE LOCH BROOM	A straight line drawn from Camus-na-Goal Point on the south to the nearest point of land on the northern shore.	13th June 1865.
LOCHY, LEVEN, SCADDLE, GOUR, and SANDA.	A straight line drawn due north-west, true meridian, from the westernmost point of land forming the western shore of Cail Bay, and lying north-east of Balnagowan Island to the mainland on the north shore of the Linnhe Loch.	11th Mar. 1865.
LOCH DUICH . . .	<i>See Loch Luing.</i>	—
LOCH Luing and LOCH DUICH.	A straight line drawn due south, true meridian, from Scart Point on the north shore to the mainland on the south.	13th June 1865.
LOCH ROAG (Lewis).	A straight line drawn from Aird-Lamiesheadar on the east to Sgeir-na-ha-on Chaorach on the west; also from Camus Ennaidh on the east to Eala Sheadha on the west.	4th Aug. 1865.
LUCE . . .	A straight line drawn from a point on the shore at high-water mark on the east side of the river 650 yards south of Stair Haven Pier to a point on the shore at high-water mark on the west side of the river 1300 yards south-west from Ringdon Point.	6th Jan. 1865.
LOSSIE . . .	A straight line to be drawn from the north pier head to a point at low water of equinoctial spring tides 200 yards, measured in a straight line, east of the south pier of the old harbour, and thence continued by a straight line to the nearest point of the shore at high-water mark of equinoctial spring tides.	11th Mar. 1865.
LUSSA (Mull), and River from LOCH UISK to LOCH BUY.	As regards the river LUSSA, a straight line between the most projecting points of the heads of the mouth of Loch Spelve. As regards LOCH UISK River, a line north-west and south-east through the outer side of Mor Island.	4th Aug. 1865.
MOIDART and SHIEL	A straight line drawn from Farquhar Point on the south shore to the south-west point of Eilean Shona, and a straight line drawn from north-west point of Eilean Shona to the nearest point of the mainland on the north.	11th Mar. 1865.
MORAR . . .	A straight line drawn from Bonan Caraidich on the north side of the river to the outermost point of Fraoch Eilean on the south (Admiralty Chart).	11th Mar. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
MULLANAGEREN, HORASARY, and LOCH-NA-CISTE (North Uist).	As regards the river MULLANAGEREN , the shortest line from Dramanan Point and Valeque Point to Ornisay Island; as regards the river HORASARY , the shortest lines from the point of Arnal and from the point of Canoch to the north end of Kirkibost Island; and as regards LOCH-NA-CISTE River, from the wooden jetty near Lochmaddy Inn to the opposite point of Camaird.	19th June 1868.
NAIRN . . .	A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river, where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	7th Mar. 1865.
NAVER and BOERGIE .	A straight line drawn from Aird-in-iaskich on east to Claishaidie on west. (Burnett and Scott's County Map.)	11th Mar. 1865.
NESS . . .	A straight line drawn due south-east, true meridian, from the centre of the three burns to the southern shore, thus cutting the Black Buoy as at present placed on the north end of the Whiten Ness Sands.	7th Mar. 1865.
NELL, FEOCHAN, and EUCHAR (Loch Feochan).	From Minard Point on the north to eastern extremity of Barnacaryu Bay on the south.	11th Mar. 1865.
NITH, ANNAN, and ESK.	A straight line drawn from the hotel of Skinberness in the parish of Abbey Holme in the county of Cumberland to the large house at Carset House of Arbigland in the Stewartry of Kirkcudbright.	7th Mar. 1865.
ORMSARY and LOCH HEAD (Loch Kilisport) and STORNOWAY.	From Knap Point on the north, a straight line thence in the direction of Kilmaluag on the south. STORNOWAY , the two extreme projecting points of Stornoway Bay, namely, about half-way between Lergnahunseon and Point Gallon on the north, and between Lergnahunseon and Ardpatrik Point on the south.	4th Aug. 1865.
PENNYGOWN or GLENFORSA and AROS (Mull).	A straight line from Alasaid Head on the west on the direction of the burying ground to the projecting point north-east of the mouth of Pennygown River on the east.	4th Aug. 1865.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
RUEL . . .	From Runin-a-Crotch Point on the east, line thence due west.	11th Mar. 1865.
RESORT . . .	On the north Ru Carnach (Admiralty Chart), thence to the seaward side of Greine Sgeir Island, and on the north-west point of the promontory on which the hill or mountain Meilein is situated.	4th Aug. 1865.
SANDA . . .	<i>See</i> Lochy.	—
SCADDLE . . .	<i>See</i> Lochy.	—
SHIEL (Loch Shiel) .	<i>See</i> Moidart.	—
SLIGACHAN, BROADFORD, and PORTREE.	As regards the river SLIGACHAN , a straight line from Bal-na-Roinn Point at low water on north to Ru-an-Fhaing on the south. As regards the river BROADFORD , a straight line from Mr Mackinnon's pier on the north to the cottage on the beach a little to the eastward of the lime kiln and pier on the south. As regards the river PORTREE , Skin Voire on the north to the point on the south lying due south-east.	4th Aug. 1865.
SNIZORT . . .	As regards the river SNIZORT , a straight line from Lyndale Point on the west to Airdnan-Eirach on the east. As regards the rivers ORLEY and OZE , Loch Bracadale, a straight line from the most projecting point between Callbost and Eabost on the east to the most projecting point between Loch Caroy and Loch Roag on the west. As regards the river DRYNOCH , Loch Harport, a straight line from the projecting point between Struanmore and Struanbeg on the north to the projecting point north of Dunard Kirk on the south.	4th Aug. 1865.
SOLWAY . . .	<i>See</i> end of Schedule.	—
SPEY . . .	A portion of a circle of 400 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	7th Mar. 1865.
STINCHAR . . .	A portion of a circle of 350 yards radius drawn from a centre placed mid-channel of the river where it joins the sea at low water of equinoctial spring tides, and continued by	22d April 1864.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
STINCHAR— <i>contd.</i>	tangents to the circle drawn at right angles with the shore.	
STORNOWAY . . .	<i>See</i> Creed.	—
STRATHY . . .	A straight line drawn across Strathy Bay from point south of Geo Ghoulán on the west to north-west point, Balligill Head on east.	11th Mar. 1865.
THURSO . . .	A portion of a circle of 400 yards radius drawn from a centre placed mid-channel at the line of low water of equinoctial spring tides, and continued to the shore at high water by tangents, that on the east being to a point 500 yards north-east of Thurso Castle, and that on the west being in the direction of the toll-house.	11th Mar. 1865.
TONG or THUNG . . .	<i>See</i> Greiss.	—
TORRIDON, BALGAY, and SHIELDAG.	A straight line drawn across the narrows between Loch Shieldag and Outer Loch Torridon, where Diobaig Point and Ru Ardtishlic most nearly approach each other.	11th Mar. 1865.
UGIE . . .	A portion of a circle of 200 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	7th Mar. 1865.
ULLAPOOL . . .	<i>See</i> Broom.	—
URR . . .	A straight line drawn from Balcarry Point on the west, through the outside of Hestan Island, to the eastern extremity of Gutcher's Island at low water, and thence inshore to high-water mark at the projecting point distant one mile from Castle Hill Point.	13th June 1865.
WICK . . .	The line of the breakwater now in course of construction, and a straight line drawn due north from the outer end of the said breakwater to the north shore.	11th Mar. 1865.
YTHAN . . .	A portion of a circle of 300 yards radius to be drawn from a centre placed mid-channel in the river where it joins the sea at low water of equinoctial spring tides, and continued shorewards by tangents to the circle drawn to the nearest points of the shore of the respective sides of the river at high-water mark, also of equinoctial spring tides.	22d April 1864.

25th and 26th Vict. cap. 97.

We, the Commissioners appointed under the said Act, and empowered thereby "to fix, for the purposes of this Act, the limits of the Solway Firth, having regard to an Act passed in the forty-fourth year of the reign of His Majesty King George the Third, chap. forty-five," do hereby fix the limit dividing the Solway Firth from the sea to be a straight line drawn from the Mull of Galloway in the county of Wigtown to Hodbarrow Point in the parish of Millam in the county of Cumberland.

Given under our hands, this 22d day of January 1864.

WM. J. FFENNELL, } Commissioners.
JAMES LESLIE, }

Fisheries Department, Home Office.

Approved,

Whitehall, 9th April 1864.

G. GREY.

SCHEDULE (C).

BYELAW.

25th and 26th Vict. cap. 97,
26th and 27th Vict. cap. 50, and
27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the salmon fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to determine, subject to the provisions of this [the first-recited] Act, at what dates the annual close time for every district shall commence and terminate, and at what periods subsequent to the commencement and prior to the termination of the annual close time it shall be lawful to fish for and take salmon with the rod and line," do hereby determine that the annual close time for the district of the river Add shall commence on the 1st day of September and terminate on the 15th day of February, both days inclusive, and that it shall be lawful to fish for and to take

salmon with the rod and line from the 1st day of September to the 31st day of October, both days inclusive.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
11th day of January 1864.

Approved,
G. GREY.

Whitehall, 19th day of April 1864,

(This byelaw to take effect from the 20th day of May 1864.)

¹ *The same byelaws shall apply to the several rivers, according to the times, and take effect from the dates, undermentioned respectively.*

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
ALINE	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
ALNESS	From 27th August to 10th February.	From 27th August to 31st October.	14th March 1865.
ANNAN	From 27th August to 10th February.	From 27th August to 31st October.	18th June 1865.
APPLECROSS . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
ARNISDALE (in Loch Hourn).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
AWE	From 27th August to 10th February.	From 27th August to 31st October.	11th Oct. 1864.
AYLORT (Kinloch) .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
AYR	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
BAA and GLENCOIL-LEADAR.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
BADACHRO and KERRY (in Gairloch).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
BALGAY and SHIELDAG.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

¹ Since the issue of this byelaw the annual close time and extension time for rod-fishing fixed for some of the districts have been altered. Effect has been given to these alterations in the table of fishing seasons, p. 178.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
BEAULY . . .	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
BERRIEDALE . . .	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
BERVIE . . .	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
BLADENOCH . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
BROOM . . .	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
BRORA . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
CARRADALE (in Can- tye).	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
CARRON . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
CLAYBURN, FINNIS- BAY, AVEN-NAN- GEREN, STRATH- GRAVAT, NORTH LACASTILE, SCAL- LADALE, and MAW- RIG (East Harris).	From 10th September to 24th February.	From 10th September to 31st October.	19th June 1868.
CLYDE and LEVEN .	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
CONON . . .	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
CREE . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
CREED or STORNO- WAY, and LAXAY (Lewis).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
CRERAN (Loch Cre- tan).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
CROWE and SHIEL (Loch Duich).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
DEE (Aberdeenshire)	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
DEE (Kirkcudbright)	From 27th August to 10th February.	From 27th August to 31st October.	19th April 1864.
DEVERON . . .	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
DON	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
DOON	From 27th August to 10th February.	From 27th August to 31st October.	14th March 1865.
DRUMMACHLOY or GLENMORE (Isle of Bute).	From 1st September to 15th February.	From 1st September to 15th October.	5th May 1868.
DUNBEATH . .	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
ECKAIG . . .	From 1st September to 15th February.	From 1st September to 31st October.	20th May 1864.
ESK, NORTH . .	From 1st September to 15th February.	From 1st September to 31st October.	14th March 1865.
ESK, SOUTH . .	From 1st September to 15th February.	From 1st September to 31st October.	1st March 1864.
EWE	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris).	From 10th September to 24th February.	From 10th September to 31st October.	19th June 1868.
FINDHORN . .	From 27th August to 10th February.	From 27th August to 10th October.	7th March 1865.
FLEET (Sutherland-shire).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
FLEET (Kirkcudbright).	From 10th September to 24th February.	From 10th September to 31st October.	20th May 1864.
FORSS	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
FORTH	From 27th August to 10th February.	From 27th August to 15th October.	14th March 1865.
FYNE, SHIRA, and ARAY (Loch Fyne).	From 1st September to 15th February.	From 1st September to 31st October.	11th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
GIRVAN . . .	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
GLENELG . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
GOUR . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
GREISS, LAXDALE, OF THUNGA.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
GRUDIE OF DIONARD	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
GRUINARD and LITTLE GRUINARD.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
HALLADALE . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
HELMSDALE . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
HOPE and POLLA, OF STRATHBEG.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
INCHARD . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
INNER in Jura . .	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
INVER . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
IORSA (in AITAN) .	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
IRVINE and GARNOCK	From 10th September to 24th February.	From 10th September to 31st October.	11th March 1865.
KENNART . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
KILCHOAN OF INVERIE (Loch Nevis).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
KINLOCH (Kyle of Tongue).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
KIRKAIG . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
KISHORN . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March. 1865.
KYLE of SUTHERLAND	From 27th August to 10th February.	From 27th August to 16th October.	7th March 1865.
LAGGAN and SORN (in Islay).	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
LAXFORD . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
LEVEN . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
LITTLE LOCH BROOM	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
LOCHY . . .	From 27th August to 10th February.	From 27th August to 31st October.	15th Nov. 1864.
LOCH DUICH . .	From 27th August to 10th February.	From 27th August to 31st October.	18th June 1865.
LOCH LUING . .	From 27th August to 10th February.	From 27th August to 31st October.	18th June 1865.
LOCH ROAG . .	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
LOSSIE . . .	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
LUCE . . .	From 10th September to 24th February.	From 10th September to 31st October.	7th March 1865.
LUSSA (Mull) . .	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
MOIDART . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
MORAR . . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
MULLANAGEREN, HORASARY, and LOCH-NA-CISTE (North Uist).	From 10th September to 24th February.	From 10th September to 31st October.	19th June 1868.
NAIRN . . .	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
NAVER and BORGIE .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
NELL, FROCHAN, and EUCHAR (Loch Frochan).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
NESS	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
NITH	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
ORMSARY (Loch Killisport), LOCH HEAD, and STORNOWAY (Mull).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
PENNYGOWN or GLENFORSA, and AROS.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
RESORT	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
RUEL	From 1st September to 15th February.	From 1st September to 31st October.	11th March 1865.
SANDA	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
SCADDLE	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
SHIEL (Loch Shiel) .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
SLIGACHAN, BROADFORD, and PORTREE.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
SNIZORT, ORLEY, OZE, and DRYNOCH.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
SPEY	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
STINCHAR	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
STORNOWAY . . .	See CREED.	—	—
STRATHY	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
TAY	From 31st August to 4th February.	From 21st August to 10th October.	28th July 1865.
THURSO	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
TORRISON, BALGAY, and SHIELDAG . .	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
UGIE	From 10th September to 24th February.	From 10th September to 31st October.	7th March 1865.
ULLAPOOL (Loch Broom).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
URR	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
WICK	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
YTHAN	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.

SCHEDULE (D).

BYELAW.

25th and 26th Vict. cap. 97,
 26th and 27th Vict. cap. 50, and
 27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the salmon fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to make general regulations with respect to the due observance of the weekly close time," do hereby make the following regulations with respect to the due observance of the weekly close time in the said district; namely,

1. That in each and every stake weir or stake net a clear opening of at least four feet in width from top to bottom shall be made and kept free from obstruction in each and every pouch, trap, or chamber of same.
2. That the pouches, traps, or chambers of each and every fly net shall be either raised and tied up to the upper ropes of same, or lowered and tied

to the lower ropes, so as effectually to prevent the capture or obstruction of salmon.

3. That the netting of the leader of each and every bag net shall be entirely removed, and taken out of the water.

WM. J. FENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
11th day of January 1864.

Approved,

Whitehall, 19th April 1864.

G. GREY.

(This byelaw to take effect from 20th day of May 1864.)

The same byelaw shall apply to the rivers and take effect from the dates under-mentioned respectively.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
ALINE	11th March 1865.	BLADENOCH	11th March 1865.
ALNESS	14th March 1865.	BROOM	13th June 1865.
ANNAN	13th June 1865.	BROBA	11th March 1865.
APPLECROSS	11th March 1865.	CARRADALE (in Cantyre)	26th Jan. 1866.
ARNISDALE (in Loch Hour).	11th March 1865.	CARRON	11th March 1865.
AWE	20th May 1864.	CLAYBURN, FINNIS-BAY, AVEN - NAN - GEREN, STRATHGRAVAT, NORTH LACASTILE, SCALLA-DALE, and MAWRIG (East Harris).	10th June 1868.
AYLORT (Kinloch) . .	11th March 1865.		
AYR	13th June 1865.		
BAA and GLENCOILLEADAR.	4th August 1865.	CLYDE and LEVEN . .	7th March 1865.
BADACHRO and KERRY (in Gairloch).	13th June 1865.	CONON	7th March 1865.
BALGAY and SHIELDAG .	11th March 1865.	CREE	11th March 1865.
BEAULY	7th March 1865.	CREED or STORNOWAY and LAXAY.	4th August 1865.
BERRIEDALE	29th April 1864.	CRERAN	11th March 1865.
BERVIE	29th April 1864.	CROWE and SHIEL (Loch Duich).	13th June 1865.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
DEE (Aberdeenshire)	7th March 1865.	GRUINARD and LITTLE GRUINARD.	11th March 1865.
DEE (Kirkcudbright)	29th April 1864.	HALLADALE . . .	11th March 1865.
DEVERON . . .	7th March 1865.	HELMSDALE . . .	11th March 1865.
DON . . .	29th April 1864.	HOPE and POLLA, or STRATHBEO.	11th March 1865.
DOON . . .	14th March 1865.	INCHARD . . .	11th March 1865.
DRUMMACHLOY or GLEN- MORE (Island of Bute).	5th May 1868.	INNER in Jura . .	26th Jan. 1866.
DRYNOCH (in Loch Har- port).	4th August 1865.	INVER . . .	11th March 1865.
DUNBEATH . . .	11th March 1865.	IORSA in AITAN . .	26th Jan. 1866.
ECKAIG . . .	20th May 1864.	IRVINE and GARNOCK .	11th March 1865.
ESK, NORTH . . .	14th March 1865.	KENNAFT . . .	11th March 1865.
ESK, SOUTH . . .	29th April 1864.	KILCHOAN or INVERIE (Loch Nevis).	11th March 1865.
EW E . . .	11th March 1865.	KINLOCH (Kyle of Tongue)	11th March 1865.
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTLE, BORVE, and ORB (West Harris).	19th June 1868.	KIRKAIG . . .	11th March 1865.
FINDHORN . . .	7th March 1865.	KISHORN . . .	11th March 1865.
FLEET (Sutherlandshire)	11th March 1865.	KYLE OF SUTHERLAND .	7th March 1865.
FLEET (Kirkcudbright)	29th April 1864.	LAGGAN and SOBN (in Islay).	26th Jan. 1866.
FORSS . . .	29th April 1864.	LAXFORD . . .	11th March 1865.
FORTH . . .	14th March 1865.	LEVEN . . .	11th March 1865.
FYNE, SHIRA, and ARAY (Loch Fyne).	11th March 1865.	LITTLE LOCH BROOM .	13th June 1865.
GIRVAN . . .	29th April 1864.	LOCHY . . .	4th August 1865.
GLENELG . . .	11th March 1865.	LOCH DUICH . . .	13th June 1865.
GOUE . . .	11th March 1865.	LOCH LUING . .	13th June 1865.
GREISS (Laxdale and Tong of Thunga).	4th August 1865.	LOCH BOAG (Lewis), Rivers BLACKWATER, GRIMERSTA, and MORS- GAIL.	4th August 1865.
GRUIDIE OF DIONARD	11th March 1865.	LOSSIE . . .	11th March 1865.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
LUCE	7th March 1865.	SANDA	11th March 1865.
LUSSA (Mull) and River, LOCH UISK to LOCH BUY.	4th August 1865.	SCADDLE	11th March 1865.
MOIDART.	11th March 1865.	SHIEL (Loch Shiel) . .	11th March 1865.
MORAR	11th March 1865.	SLIGACHAN, BROADFORD, and PORTREE.	4th August 1865.
MULLANAGEREN, HORASARY, and LOCH-NA-CISTE (North Uist).	19th June 1868.	SNIZORT, ORLEY, OZE (Loch Bracadale), and DRYNOCH (Loch Harport).	4th August 1865.
NAIRN	7th March 1865.	SPEY	7th March 1865.
NAVER and BORGIE . .	11th March 1865.	STINCHAR	29th April 1864.
NELL, FEOCHAN, and EUCHAR (Loch Feochan).	11th March 1865.	STRATHY	11th March 1865.
NESS	7th March 1865.	TAY	29th April 1864.
NITH	7th March 1865.	THURSO	11th March 1865.
ORMSARY (Loch Killisport), LOCH HEAD RIVER and STORNOWAY (Mull).	4th August 1865.	TORRIDON, BALGAY, and SHIELDAG.	11th March 1865.
PENNYGOWN or GLENFORSA, and AROS.	4th August 1865.	UGIE	7th March 1865.
RESORT	4th August 1865.	ULLAPOOL	18th June 1865.
RUEL	11th March 1865.	URR	29th April 1864.
		WICK	11th March 1865.
		YTHAN	29th April 1864.

SCHEDULE (E).

BYELAW.

25th and 26th Vict. cap. 97.

26th and 27th Vict. cap. 50.

27th and 28th Vict. cap. 118.

“Acts to regulate and amend the law respecting the salmon fisheries of Scotland.”

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby
 “to make general regulations with respect to the meshes of nets,” to be used for

the capture of salmon, do hereby make the following regulations with respect to the meshes of nets for the district of the river ADD :—

That no net shall be used for the capture of salmon the meshes whereof shall be under one inch and three quarters in extension from knot to knot, measured on each side of the square, or seven inches measured round each mesh when wet; and the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used, or the covering the nets used with canvas, or the using any other artifice so as to evade the provisions of the regulations with respect to the meshes of nets, shall be deemed to be an act in contravention of this byelaw.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office,
11th day of January 1864.

Approved,

Whitehall, 19th April 1864.

G. GREY.

(This byelaw to take effect from the 20th day of May 1864.)

The same byelaw shall apply to the rivers and take effect from the dates under-mentioned respectively.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
ALINE	11th March 1865.	BEAULY	7th March 1865.
ALNESS	14th March 1865.	BERRIEDALE	10th May 1864.
ANNAN	13th June 1865.	BERVIE	10th May 1864.
APPLECROSS	11th March 1865.	BLADENOCH	11th March 1865.
ARNISDALE (in Loch Hourin).	11th March 1865.	BROOM	13th June 1865.
AWE	20th May 1864.	BRORA	11th March 1865.
AYLORT (Kinloch) . .	11th March 1865.	CARRADALE (in Cantyre)	26th Jan. 1866.
AYR	13th June 1865.	CARRON	11th March 1865.
BAA and GLENCOILLEDAR.	4th August 1865.	CLAYBURN, FINNIS-BAY, AVEN-NAN-GEREN, STRATHGRAVAT, NORTH LACASTILE, SCALLADALE, and MAWRIG (East Harris).	19th June 1868.
BADACHRO and KERRY (in Gairloch).	13th June 1865.		
BALOAY and SHIELDAG .	11th March 1865.	CLYDE and LEVEN . .	7th March 1865.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
CONON	7th March 1865.	GIRVAN	10th May 1864.
CREE	11th March 1865.	GLENELG	11th March 1865.
CREED OF STORNOWAY and LAXAY.	4th August 1865.	GOUR	11th March 1865.
CREBAN	11th March 1865.	GREISS (Laxdale, and Tong or Thunga).	4th August 1865.
CROWE and SHIEL (Loch Duich).	18th June 1865.	GRUIDIE OF DIONARD .	11th March 1865.
DEE (Aberdeenshire) .	7th March 1865.	GRUINARD and LITTLE GRUINARD.	11th March 1865.
DEE (Kirkcudbright) .	10th May 1864.	HALLADALE	11th March 1865.
DEVERON	7th March 1865.	HELMSDALE	11th March 1865.
DON	10th May 1864.	HOPE and POLLA, OF STRATHBEG.	11th March 1865.
DOON	14th March 1865.	INCHARD	11th March 1865.
DRUMMACHLOY OF GLEN- MORE (Isle of Bute).	5th May 1868.	INNER in Jura . . .	26th Jan. 1866.
DRYNOCH (in Loch Har- port).	4th August 1865.	INVER	11th March 1865.
DUNBEATH	11th March 1865.	IORSA in AITAN . . .	26th Jan. 1866.
ECKAIG	20th May 1864.	IRVINE and GARNOCK .	11th March 1865.
ESK, NORTH	14th March 1865.	KENNART	11th March 1865.
ESK, SOUTH	10th May 1864.	KILCHOAN OF INVERIE (Loch Nevis).	11th March 1865.
EWE	11th March 1865.	KINLOCH (Kyle of Tongue)	11th March 1865.
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris).	19th June 1868.	KIRKAIG	11th March 1865.
FINDHORN	7th March 1865.	KISHORN	11th March 1865.
FLEET (Sutherlandshire)	11th March 1865.	KYLE OF SUTHERLAND .	7th March 1865.
FLEET (Kirkcudbright) .	10th May 1864.	LAGGAN and SORN (in Islay).	26th Jan. 1866.
FORSS	10th May 1864.	LAXFORD	11th March 1865.
FORTH	14th March 1865.	LEVEN	11th March 1865.
FYNE, SHIRA, and ARAY (Loch Fyne).	11th March 1865.	LITTLE LOCH BROOM .	13th June 1865.
		LOCHY	4th August 1866.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
LOCH DUICH . . .	13th June 1865.	RESORT	4th August 1865
LOCH LUING . . .	13th June 1865.	BUEL	11th March 1865.
LOCH BOAG (Lewis), Rivers BLACKWATER, GRIMERSTA, and MORS- GAIL.	4th August 1865.	SANDA	11th March 1865.
LOSSIE	11th March 1865.	SCADDLE	11th March 1865.
LUCE	7th March 1865.	SHIEL (Loch Shiel) .	11th March 1865.
LUSSA (Mull) and River, LOCH UISK to LOCH BUY.	4th August 1865.	SLIGACHAN, BROADFORD, and PORTREE . . .	4th August 1865.
MOIDART	11th March 1865.	SNIZORT, ORLEY, OZE (Loch Bracadale), and DRYNOCH (Loch Har- port).	4th August 1865.
MORAR	11th March 1865.	SPEY	7th March 1865.
MULLANAGEREN, HORA- SARY, and LOCH-NA- CISTE (North Uist).	19th June 1868.	STINCHAR	10th May 1864.
NAIRN	7th March 1865.	STRATHY	11th March 1865.
NAVER and BORRIGIE .	11th March 1865.	TAY	10th May 1864.
NELL, FECHAN, and EUCAR (Loch Feoch- an).	11th March 1865.	THURSO	11th March 1865.
NESS	7th March 1865.	TORRIDON, BALGAY, and SHIELDAG.	11th March 1865.
NITH	7th March 1865.	UGIE	7th March 1865.
ORMSARY (Loch Killis- port), LOCH HEAD River and STORNOWAY (Mull).	4th August 1865.	ULLAPOOL	13th June 1865.
PENNYGOWN OF GLEN- FORSA, and AROS.	4th August 1865.	URR	10th May 1864.
		WICK	11th March 1865.
		YTHAN	10th May 1864.

SCHEDULE (F).

BYELAW.

25th and 26th Vict. cap. 97. 26th and 27th Vict. cap. 50.

27th and 28th Vict. cap. 118.

“Acts to regulate and amend the law respecting the salmon fisheries of Scotland.”

We, the Commissioners appointed under the said Acts, and empowered thereby “to make general regulations with respect to the construction and use of cruives,” do hereby make the following general regulations with respect to the construction and use of cruives:—

I. The upper surface of the sill of each cruive shall be not higher than twelve inches above the natural bed of the river where the cruive is placed, and in the event of the sill being placed any higher than the natural bed of the river there must be a paved floor or apron to it down stream at least as wide as the cruive, having its lower end not higher than the natural level of the river, and having a slope not steeper than one in six; and otherwise the cruives shall be so constructed as to afford a ready and easy passage for the fish during the annual and weekly close times.

II. No cruive shall be less at any part of it than four feet broad in the clear; provided that where an upright post is used to support the cruive, thereby dividing the width into two parts, the aggregate width exclusive of such post shall not be less than four feet.

III. The hecks or rails and inscales shall be capable of being removed from the cruive, and shall be removed during the annual close time. During the weekly close time the hecks or rails shall be removed, and the inscales shall either be removed or kept open for the space of four feet.

IV. The bars of the upper hecks or rails shall be placed perpendicularly, not less than three inches apart, and they shall not be more than two inches thick, and not more than four inches broad in the up and down way of the stream, and they shall have their edges rounded off, so that only $1\frac{1}{2}$ inches in breadth of the whole thickness of two inches shall remain in the side of the hecks or rails in the up and down way of the stream.

V. The bars of the inscales shall not be of larger dimensions than those of the hecks or rails, and they shall not be less than two inches apart.

VI. Each side or half of the inscales shall not be less than three feet long for a cruive four feet wide in the clear, and shall be longer in the same proportion to any additional width of cruive. They shall be constructed so that the upstream ends cannot and shall not at any time approach nearer to each other than five inches.

VII. No net or other contrivance whatever shall be placed or used on or at any cruive, or structure connected with a cruive, for the purpose of catching

fish, or for preventing their entry into or passing through the same; nor shall any device be employed to scare, deter, or obstruct fish from entering into or passing through any such cruive. But, notwithstanding anything herein contained, it shall be lawful to place a canvas cloth or a wooden blind or blinds over the heck or hecks of a cruive whilst the fish are being taken out of it, provided such cloth, blind or blinds, be not applied longer than fifteen minutes at a time, or oftener than six times in the course of twenty-four hours, and that when there are more cruives than one at the same dam only one cruive shall be covered by the cloth or blinds at the same time.

VIII. No cruive shall be so constructed, inclosed, roofed, or built over, or in any other manner hidden or fenced in, as to prevent persons duly authorised from inspecting the same at all times, and ascertaining whether the law is being duly complied with.

IX. No cruive shall be so altered as to create a greater obstruction to the free passage of fish than at present exists.

WM. J. FFENNELL,	} Commissioners.
FRED. EDEN,	
JAMES LESLIE,	

Fisheries Department, Home Office,
18th day of April 1865.

Approved,
G. GREY.

Whitehall, 19th July 1865.

(This byelaw to take effect from the 28th July 1865.)

SCHEDULE (G).

BYELAW.

25th and 26th Vict. cap. 97. 26th and 27th Vict. cap. 50.
27th and 28th Vict. cap. 118.

"Acts to regulate and amend the law respecting the salmon fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to make general regulations with respect to the construction and alteration of mill dams or lades, or water wheels, so as to afford a reasonable means for the passage of salmon," do hereby make the following general regulations with respect to the construction and use of mill dams or lades, or water wheels:—

1. Every new dam, and every portion of any dam that may require to be renewed or repaired after this time, shall be made and maintained water-tight, or as nearly so as possible, so that no water that can reasonably be prevented shall run through the dam; but all water not taken into the lade for the use of the

mills or other lawful purpose shall be made to flow over the dam as fully as may be practicable.

2. There shall be a sluice or sluices at the intake of every mill lade. No water shall, with the exception hereinafter stated, be allowed to enter any mill lade beyond the quantity required for the use of the water wheel or wheels of any one fall on that lade, or for other lawful purpose in the lade; that is to say, no water shall be allowed to escape from any lade into the river by means of any bye-wash or overflow, but all water not required for the uses aforesaid shall be made to flow over the dam into the river as far as may be practicable.

At the option of the millers or manufacturers, this provision may be carried out either by shutting the sluice or sluices at the intake of the lade, or by raising the banks of the lade to a height that will prevent an overflow of water from the lade when the sluice at the wheel and the bye-wash sluice hereinafter mentioned are both kept shut. Provided always, that the said byelaw shall not apply to millers or manufacturers when taking measures necessary for the protection of their premises during heavy floods, or when rivers are cumbered with ice, or while necessary repairs are being executed on any emergency; provided that nothing be omitted or done unnecessarily to defeat the objects of this byelaw. Furthermore, in all cases when the intake sluice is more than 300 yards from the water wheel, it shall not be imperative to shut the intake sluice, or to keep the bye-wash sluice shut, during ordinary meal hours, or during any stoppage of the wheel not exceeding an hour at a time.

3. At the intake of every lade there shall be placed and constantly kept a heck or grating for each opening, or one embracing the whole openings, the bars to be not more than three inches apart, if horizontal, and not more than two inches if vertical.

4. A similar heck or grating shall be placed and constantly kept across the lade or troughs immediately above the entrance to each mill wheel.

5. A similar heck or grating shall be placed and constantly kept across the lower end of each tail lade at its entrance into the main river.

NOTE.—To prevent any obstruction to the flow of the water by the hecks or gratings in the lades, it is recommended that the lade should be increased in width where the hecks are placed, and that the heck, instead of being in a straight line across, should be curved or pointed up or down stream, and thereby increased in length, so that the aggregate of the openings between the bars shall exceed the sectional area (or waterway) of the lade, and thus compensate for the space occupied by the bars.

6. There shall be a bye-wash sluice placed as near as practicable above each water wheel in the embankment of the lade of not less than three feet in width, with its sill as low as the bottom of the lade, and the said sluice shall be raised to a height sufficient to allow the smolts to descend for at least five but not exceeding eight hours each week from the 15th March to the 1st July, not more than six days intervening between each time of opening.

There shall be a salmon pass or ladder on the down-stream face of every dam, weir, or cauld, capable of affording a free passage for the ascending fish at all times when there is water enough in the river to supply the ladder. The width shall not be less than four feet in the clear in rivers of less than 100 feet in breadth at the site of the dam, nor less than five feet in breadth in rivers of less than 200 feet and more than 100 feet in breadth as aforesaid, nor less than six feet in breadth in rivers of more than 200 feet in breadth as aforesaid; the upper sill shall not be less than six inches below the lowest part of the crest of the dam for the whole width of the ladder; the inclination shall in no case be steeper than five horizontal to one perpendicular, but, wherever practicable, shall be seven or eight horizontal to one perpendicular, and in all cases shall be provided with breaks or stops placed at suitable intervals, so as to lessen the velocity of the current sufficiently to allow the fish to ascend without difficulty.

The foot of the ladder shall be placed where there is most running water, and with the best lead for the fish to approach it; and if the ladder should project beyond the toe of the dam, there shall be an apron of stone formed to the dam, extending as far down the river as the entrance to the pass or ladder, and extending throughout the whole length of the dam at either side of the ladder, and on a high enough level to prevent there being any pool in the river, or sufficient depth of water farther up than the entrance to the said pass or ladder, by which the fish might be induced to remain there obstructed in their ascent, and not be led to the ladder.

NOTE.—The Commissioners would recommend the following details to be adopted in the construction of salmon ladders, in addition to those given in the foregoing byelaw, but do not insist on them, provided some other perfectly efficient arrangement be substituted,—viz., the side walls to be not less than twenty-two inches in height; the breaks to be not less than eighteen inches in height, with openings of ten inches in breadth at the alternate ends of each break, and five feet apart in cases where the gradient of the ladder is one in five and of a greater distance, but the same proportions being maintained where the gradient is easier than one in five.

7. No dam shall be so altered as to create a greater obstruction to the free passage of fish than at present exists.

WM. J. FFENNELL, FRED. EDEN, JAMES LESLIE,	}	Commissioners.
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Fisheries Department, Home Office,
29th day of April 1865.

Whitehall, 19th July 1865.

Approved,
G. GREY.

(This byelaw to take effect from the 28th July 1865.)

VIII.—33 & 34 VICTORIA, c. 33.

An Act to amend the Acts relating to the export of unseasonable salmon.—[1st August 1870.]

WHEREAS by the third section of "The Salmon Acts Amendment Act, 1863," it is amongst other things provided that "the burden of proving that any salmon entered for exportation from any part of the United Kingdom to parts beyond the seas between the third day of September and the second day of February following is not so entered in contravention of the said Act shall lie on the person entering the same for exportation:"

And whereas it is expedient to make further provision for preventing the exportation of salmon that cannot legally be sold within the limits of the United Kingdom:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as "The Salmon Acts Amendment Act, 1870." Short title.

II. This Act shall not come into operation before the third day of September one thousand eight hundred and seventy, which day is herein-after referred to as "the commencement of this Act." Commence-
ment of
Act.

III. From and after the commencement of this Act the said third section of "The Salmon Acts Amendment Act, 1863," shall be read and construed as if the words "second day of February" were omitted therefrom and the words "thirtieth day of April" were inserted instead of the said omitted words. Amend-
ment of
sect. 3 of
26 Vict. c.
10.

IV. The sixty-fifth section of "The Salmon Fishery Act, 1865," shall be read and construed as if the words "second day of February" were omitted therefrom and the words "thirtieth day of April" were inserted instead of the said omitted words. Amend-
ment of
sect. 65 of
23 & 29 Vict.
c. 121.

IX.—45 & 46 VICTORIA, c. 78.

An Act to establish a Fishery Board for Scotland.—[18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons,

in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

I. This Act may be cited as the Fishery Board (Scotland) Act, 1882.

Definitions.

II. In this Act—

The expression “Herring Fishery Acts” shall mean the Acts mentioned in the First Schedule.

The expression “Salmon Fishery Acts” shall mean the Acts mentioned in the Second Schedule.

Dissolution of Board of British White Herring Fishery.

III. On the sixteenth day of October one thousand eight hundred and eighty-two the Board of British White Herring Fishery shall be dissolved, and the present Commissioners shall be discharged of their duties.

Establishment and constitution of Fishery Board.

IV. A Fishery Board shall be established for Scotland.

(1.) The Board shall consist of the following members :—the Sheriffs of three Sheriffdoms, who shall be appointed by Her Majesty, and shall hold office during their tenure of the office of sheriff.

Six members, to be appointed by Her Majesty, who shall hold office for five years, and may be reappointed.

(2.) It shall be lawful to Her Majesty to nominate one member of the Board to be chairman and another to be deputy chairman. The chairman shall receive such salary as the Commissioners of Her Majesty's Treasury may assign. Three members shall be a quorum.

(3.) There shall be a secretary to the Board, who shall be appointed by Her Majesty, and shall receive such salary as the Commissioners of Her Majesty's Treasury may assign.

(4.) The office of the Board shall be in Edinburgh, and the Board shall appoint such clerks and officers, and at such salaries, as may be sanctioned by the Commissioners of Her Majesty's Treasury.

(5.) The first meeting of the Board shall be on the sixteenth day of October one thousand eight hundred and eighty-two.

Functions of Board. Herring fisheries. Deep sea fisheries.

31 & 32 Vict. c. 45.
38 & 39 Vict. c. 15.

V. (1.) The Fishery Board shall have all the powers and duties conferred upon the present Board of British White Herring Fishery by the Herring Fishery Acts and the Sea Fishery Acts, 1868 and 1875, and any order in Council following thereon, except the duty of making an annual report to the Board of Trustees for Manufactures, and the power of appointing a secretary ; and shall take cognisance of everything relating to the coast and deep sea fisheries of Scotland, and take such measures for their improvement as the funds under their administration and not otherwise appropriated may admit of, but without interfering with any existing public authority or private right.

Salmon fisheries.

(2.) The Fishery Board shall have the general superintendence of the salmon fisheries of Scotland, and shall have the powers and duties of Commissioners under the Salmon Fishery Acts, but without prejudice to or interference with the powers of district boards.

(8.) The Fishery Board shall comply with any instructions which may be issued by Her Majesty's Principal Secretary of State for the Home Department, and shall make an annual report to him containing a statistical account of the fisheries, and suggestions for their regulation and improvement, which report shall be presented to Parliament.

VI. It shall be lawful to Her Majesty's Principal Secretary of State for the Home Department to appoint an inspector of the salmon fisheries of Scotland, who shall hold office during pleasure, and to pay to him such salary as may be determined by the Commissioners of Her Majesty's Treasury.

Inspector
of salmon
fisheries.

The inspector shall under the directions of the Fishery Board inspect all the salmon fisheries of Scotland, and inquire into the operation of the Salmon Fishery Acts, and report thereon from time to time to the Board, and shall attend the meetings of the Board when summoned by the chairman.

Act not to
apply to
River
Tweed.
22 & 23 Vict.
c. lxx.

VII. This Act shall not apply to the Tweed as defined by the Tweed Fisheries Amendment Act, 1859.

VIII. All salaries and expenses of the Fishery Board shall be defrayed from moneys to be provided by Parliament.

Salaries and
expenses.

SCHEDULES.

SCHEDULE I.

HERRING FISHERY ACTS.

11 Geo. III. c. 31. ss. 11, 12, 13.	An Act for the encouragement of the White Herring Fishery.
48 Geo. III. c. 110.	An Act for the further encouragement and better regulation of the British White Herring Fishery until the 1st day of June 1813, and from thence to the end of the then next session of Parliament.
55 Geo. III. c. 94.	An Act to continue and amend several Acts relating to the British White Herring Fishery.
1 & 2 Geo. IV. c. 79.	An Act to repeal certain bounties granted for the encouragement of the Deep Sea British White Herring Fishery, and to make further regulations relating to the said Fishery.
5 Geo. IV. c. 64.	An Act to amend the several Acts for the encouragement and improvement of the British and Irish Fisheries.
1 William IV. c. 54.	An Act to revive, continue, and amend several Acts relating to the Fisheries.
14 & 15 Vict. c. 26.	An Act to amend the Acts relating to the British White Herring Fishery.

SCHEDULE I.—*continued.*

21 & 22 Vict. c. 69.	An Act to impose fees on the branding of barrels under the Acts concerning the Herring Fisheries in Scotland.
23 & 24 Vict. c. 92.	An Act to Amend the law relative to the Scottish Herring Fisheries.
24 & 25 Vict. c. 72.	An Act to make further provision for the regulations of the British White Herring Fishery in Scotland.
28 & 29 Vict. c. 22.	An Act to amend the Acts relating to the Scottish Herring Fisheries.
30 & 31 Vict. c. 52.	An Act to alter and amend the Acts relating to the British White Herring Fisheries.
37 & 38 Vict. c. 25.	An Act to remove the restrictions contained in the British White Herring Fishery Acts in regard to the use of fir wood for herring barrels.

SCHEDULE II.

SALMON FISHERY ACTS.

25 & 26 Vict. c. 97.	An Act to regulate and amend the law respecting the Salmon Fisheries of Scotland.
26 & 27 Vict. c. 50.	An Act to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the 1st day of January 1865, and to amend the said Act.
27 & 28 Vict. c. 118.	An Act to amend the Acts relating to Salmon Fisheries in Scotland.
31 & 32 Vict. c. 123.	An Act to amend the law relating to Salmon Fisheries in Scotland.

X.—FRESH-WATER FISHERY ACTS.

(1.)—8 & 9 VICTORIA, c. 26.

An Act to prevent fishing for trout or other fresh-water fish by nets in the rivers and waters in Scotland.—[30th June 1845.]

Prohibiting
fishing for

WHEREAS it is expedient that provision should be made for preventing the destruction of trout and other fresh-water fish by nets in the rivers, waters, and lochs of Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall not be lawful for any person whatsoever, not being the proprietor of the land through or by

which any river or water flows, or on which any loch is wholly or partially situated, or not having a right there to fish for trout or fresh-water fish, or not having a written permission from some such proprietor or person entitled to fish as aforesaid, at any time after the passing of this Act, to fish for trout or other fresh-water fish in any such river, water, or loch in Scotland, with any net of any kind or description; and if any person, not being a proprietor or having right or permission as aforesaid, shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for or attempting to take or fish for, in or from any such river, water, or loch, any trout or other fresh-water fish, by or with any net of any kind or description, such person shall forfeit and pay any sum not exceeding five pounds for every such offence, besides forfeiting the trout or fish taken, and also every boat or net in or by which the same may have been taken or attempted to be taken, and shall also pay the full expenses of the conviction.

trout, &c.,
by means
of nets in
any rivers,
&c., in
Scotland.

II. And be it enacted, that if any person shall trespass upon any ground, inclosed or uninclosed, or in or upon any river, water, or loch, with intent to take with any net any trout or other fresh-water fish, such persons shall forfeit and pay a sum not exceeding five pounds for every such offence.

Penalty for
trespassing
on any
ground or
river to fish
with net.

III. And be it enacted, that if any such trespasser shall have in his possession any net of any description whereby trout or other fresh-water fish may be taken or killed, the possession thereof shall be held to be sufficient evidence of the intent of such trespasser to commit such offence.

Possession
of nets
evidence
of intent.

IV. And be it enacted, that it shall be lawful for any person, without any warrant or other authority than this Act, *brevi manu*, to seize and detain any person who shall be found committing any offence against this Act, and to carry such person before the sheriff or any justice of the peace in the county within which the offence shall take place, or to deliver such person to a constable, who is hereby required to carry such person before such sheriff or justice, and the sheriff or justice of the peace before whom such offender shall be brought shall forthwith examine and discharge or commit such offender until caution *de judicio sisti* be found, as the case may require; and it shall in like manner be lawful to seize and detain any boat or net of any description used or intended to be used in the commission of any such offence, and also any fish taken by any such offender, and to give information thereof to the sheriff.

Persons
trespassing
may be
seized.

V. And be it enacted, that all justices of the peace shall and may act in the execution of this Act notwithstanding that such justices shall be the proprietors of land through or by which any river or water may flow, or upon which any loch may be wholly or partially situated, or shall otherwise have a right of trout or fresh-water fishing in any such river, water, or loch, except in cases in which any such justice is a party to the

Justices
and pro-
prietors
not to be
disqualified
from acting.

prosecution of the case, or is directly interested in the result thereof: and no such proprietor or party having right as aforesaid shall be incompetent as a witness to prove any offence committed against this Act by reason of his being such proprietor or having such right.

For the
recovery of
penalties.

VI. And for the recovery of the penalties and forfeitures imposed by this Act, be it enacted, that any such penalties or forfeitures may be recovered by summary proceeding upon complaint in writing made by any party prosecuting for the same to the sheriff of the county in which such offence shall be committed, or to the sheriff of any county in which the offender may be found, and on such complaint such sheriff shall issue a warrant for bringing the party complained against immediately before him, or shall issue an order requiring such party to appear at a time and place to be named in such order; and every such order shall be served on the party complained against either in person or by leaving with some inmate at his usual place of abode a copy of such order and of the complaint whereon the same has proceeded; and either upon the appearance or on the default to appear of the party complained against it shall be lawful for the sheriff to proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, and without any written pleadings or record of evidence, to convict the offender, and upon such conviction to decern, adjudge, and sentence him to pay the penalty or forfeiture incurred, and the expenses attending the conviction, and to grant warrant for imprisoning him until such penalty or forfeiture and expenses shall be paid: Provided always, that such warrant shall specify the amount of such penalty or forfeiture and expenses, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or forfeiture and expenses shall not have been paid, and which period shall in no case exceed two calendar months; and it shall be lawful for the sheriff to make such orders concerning the immediate disposal of any boat, net, or fish seized or forfeited under the provisions of this Act as may be necessary.

Appeal.

VII. And be it enacted, that it shall be lawful for any person who shall think himself aggrieved by any judgment of the sheriff pronounced in any case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions, and restrictions contained in an Act passed in the twentieth year of the reign of his Majesty King George the Second, for taking away and abolishing heritable jurisdiction in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or forfeiture and expenses awarded against him by the sentence

appealed from, in the event of the appeal being dismissed or not insisted in, together with any additional expenses that may be awarded by the court on deciding or dismissing the appeal; and it shall not be competent to appeal from or bring the judgment of any sheriff acting in the execution of this Act under review, by advocacy or suspension or by reduction, or in any other way than as herein provided.

VIII. And be it enacted, that all penalties and forfeitures imposed under the authority of this Act shall, when levied, be paid, the one half thereof to the prosecutor, and the other half to the poor of the parish within which the offence shall have been committed. Application of penalties.

IX. And be it enacted, that no prosecution or other proceeding whatever shall be brought or commenced against any person for any offence against this Act, unless the same shall be commenced within six calendar months after such offence shall have been committed. Limitation of actions.

X. And be it enacted, that the words "river," "water," or "loch" occurring in this Act shall mean and include any stream, burn, mill pool, mill lead, mill dam, sluice, pond, cut, canal, and aqueduct, and every other collection or run of water in which trouts and other fresh-water fish breed, haunt, or are found or preserved; that the word "sheriff" shall mean the sheriff of the county in which the offence happens or case arises, and shall include the sheriff-substitutes of such sheriffs; that the singular shall include the plural number, and words importing the plural number shall include the singular; and words importing the masculine gender shall include females. Interpretation of Act.

XI. And be it enacted, that nothing herein contained shall affect any Act of Parliament, general or local, passed for the preservation of the salmon fisheries in Scotland, or in relation to the fishing of salmon or fish of the salmon kind in Scotland. Saving the laws regarding the salmon fisheries.

XII. And be it enacted, that this Act may be amended or repealed by any Act of Parliament to be passed in the present session of Parliament. Alteration of Act.

(2.)—23 & 24 VICTORIA, c. 45.

An Act to extend the Act of the eighth and ninth years of Victoria, chapter twenty-six, for preventing fishing for trout or other fresh-water fish by nets in the rivers and waters in Scotland.—[23d July 1860.]

WHEREAS by the Act eighth and ninth Victoria, chapter twenty-six, intituled "An Act to prevent fishing for trout or other fresh-water fish 8 & 9 Vict. c. 26.

by nets in the rivers and waters in Scotland," provision is made for preventing the destruction of trout and other fresh-water fish by nets in the rivers, waters, and lochs of Scotland: And whereas there are various other ways by which trout and other fresh-water fish may be destroyed which have not yet been declared illegal: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Fishing for trout, &c., by means of nets, &c., in any rivers, &c., in Scotland prohibited.

I. That it shall not be lawful for any person whatsoever, (except as herein-after provided,) at any time after the passing of this Act, to fish for trout or other fresh-water fish in any river, water, or loch in Scotland, with any net of any kind or description, or by what is known as double rod fishing, or cross line fishing, or set lines, or otter fishing, or burning the water, or by striking the fish with any instrument, or by pointing, or to put into the water lime or any other substance destructive to trout or other fresh-water fish with intent to destroy the same; and if any person shall wilfully take, fish for, or attempt to take, or aid and assist in taking or fishing for, or attempting to take or fish for, in or from any such river, water, or loch, any trout or other fresh-water fish by or with any net of any kind or description, or by double rod fishing, or cross line fishing, or by set lines, or otter fishing, or by burning the water, or striking the fish with any instrument, or by pointing, or by putting into the water lime or any other substance destructive to trout or other fresh-water fish with intent to destroy the same, such person shall forfeit and pay any sum not exceeding five pounds for every such offence, besides forfeiting the trout or fish taken, and also every boat or net, tackle, instrument, or other article in or by which the same may have been taken or attempted to be taken, and shall also pay the full expenses of the conviction: Provided that nothing in this Act contained shall prevent any person having the right to fish in any river, water, or loch in Scotland, or any person having permission from such person, from exercising the right of fishing in such river, water, or loch in any mode not prohibited by law prior to the passing of this Act.

Penalty.

Nothing to prevent persons having rights, &c. to fish.

Penalty for trespassing on any ground or river to fish with net, &c.

II. If any person shall trespass upon any ground, enclosed or unenclosed, or in or upon any river, water, or loch, with intent to take any trout or other fresh-water fish, with any net, double rod, cross line, set line, or otter, or by burning the water, or by striking the fish with any instrument, or by pointing, or to destroy the fish by putting lime or other substance destructive to trout or other fresh-water fish into the water, such person shall forfeit and pay a sum not exceeding five pounds for every such offence.

Power to persons

III. It shall be lawful for any person, having the authority of the proprietor of land through or past which the river or water flows or

upon which the loch is wholly or partially situate, to seize and detain any boat or net of any description, double rod, cross line, set line, or otter, or materials for burning the water, or instruments for striking the fish, or for pointing, or lime or other substance destructive to trout or other fresh-water fish, used or intended to be used in the commission of any such offence, and also any fish taken by any such offender, and to give information thereof to the sheriff or justice of the peace.

having authority to seize boats, nets, &c., used in commission of offences.

IV. All justices of the peace shall and may act in the execution of this Act notwithstanding that such justices shall be the proprietors of land through or past which any river or water may flow, or upon which any loch may be wholly or partially situated, or shall otherwise have a right of trout or fresh-water fishing in any such river, water, or loch, except in cases in which the offence has been committed on the property of such justice, or in which such justice is a party to the prosecution of the case, or is directly interested in the result thereof; and no such proprietor or party having right as aforesaid shall be incompetent as a witness to prove any offence committed against this Act by reason of his being such proprietor or having such right.

Justices who are proprietors not to be disqualified from acting.

V. And for the recovery of the penalties and forfeitures imposed by this Act, be it enacted, that any such penalties or forfeitures may be recovered by summary proceeding upon complaint in writing made by the procurator-fiscal or by any party prosecuting for the same to the sheriff or any justice of the peace for the county in which such offence shall be committed, or to the sheriff or any justice of the peace for any county in which the offender may be found, and on such complaint such sheriff or justice of the peace shall issue a warrant for bringing the party complained against immediately before him, or shall issue an order requiring such party to appear at a time and place to be named in such order; and every such order shall be served on the party complained against by any county officer, either by delivering to such party personally or by leaving with some inmate at his usual place of abode a copy of such order, and of the complaint whereon the same has proceeded; and either upon the appearance or the default to appear of the party complained against it shall be lawful for the sheriff or justice to proceed to the hearing of the complaint; and upon proof of the offence, and without any written pleadings or record of evidence, to convict the offender, and upon such conviction to decern, adjudge, and sentence him to pay the penalty or forfeiture incurred, and the expenses attending the conviction, and to grant warrant for imprisoning him until such penalty or forfeiture and expenses shall be paid: Provided always, that such warrant shall specify the amount of such penalty or forfeiture and expenses, and shall also specify a period at the expiration of which the party shall be discharged, notwithstanding such penalty or forfeiture and expenses shall not have

For the recovery of penalties.

been paid, and which period shall in no case exceed two months ; and it shall be lawful for the sheriff or justice to make such orders concerning the immediate disposal of any boat, net, double rod, cross line, set line, or otter, or materials for burning the water, or instruments for striking the fish, or for pointing, or lime or other substance destructive to trout or other fresh-water fish, or fish seized or forfeited under the provisions of this Act, as may be necessary.

Power to
appeal in
manner as
in 20 G. 2.
c. 43.

VI. It shall be lawful for any person who shall think himself aggrieved by any judgment of the sheriff or justice of peace pronounced in any case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at Edinburgh, in the manner and by and under the rules, limitations, conditions, and restrictions contained in an Act passed in the twentieth year of the reign of His Majesty King George the Second, for taking away and abolishing heritable jurisdiction in Scotland, with this variation, that such person shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or forfeiture and expenses awarded against him by the sentence appealed from in the event of the appeal being dismissed or not insisted in, together with any additional expenses that may be awarded by the court on deciding or dismissing the appeal ; and it shall not be competent to appeal from or bring the judgment of any sheriff or justice of peace acting in the execution of this Act under review, by advocacy or suspension or by reduction, or in any other way than as herein provided.

Application
of penalties.

VII. All penalties and forfeitures imposed under the authority of this Act shall, when levied, be paid, the one half thereof to the prosecutor and the other half to the inspector of the poor of the parish within which the offence shall have been committed, on behalf of such poor.

Limitation
of actions.

VIII. No prosecution or other proceeding whatever shall be brought or commenced against any person for any offence against this Act, unless the same shall be commenced within three months after such offence shall have been committed.

Interpreta-
tion of
terms.

IX. The words "river," "water," or "loch" occurring in this Act shall mean and include any stream, burn, mill pool, mill lead, mill dam, sluice, pond, cut, canal, and aqueduct, and every other collection or run of water in which trouts and other fresh-water fish breed, haunt, or are found or preserved ; the word "sheriff" shall mean the sheriff or steward of the county in which the offence happens or case arises, and shall include the sheriff-substitutes of such sheriffs ; the expression "justice of the peace" shall mean a justice of the peace of the county in which the offence happens or case arises ; and the expression "county officer" shall mean and include sheriff's officer, constable, or any officer of the county police force.

X. Nothing herein contained shall affect any Act of Parliament, general or local, passed for the preservation of the salmon fisheries in Scotland, or in relation to the fishing of salmon or fish of the salmon kind in Scotland.

Saving the laws regarding the salmon fisheries

XI. Nothing herein contained shall affect or apply to the killing of trout or other fresh-water fish with single rod and line which shall be regulated by the laws in existence prior to the passing of this Act.

Saving the laws regarding fishing with single rod.

XI.—TABLE OF THE ACTS OF THE SCOTTISH PARLIAMENT RELATING TO SALMON AND SALMON FISHING.

Note.—A number of Acts containing provisions on the subjects of the customs, standards of measure, construction of barrels, and packing of salmon, the enforcing of the Salmon Acts by justices of the peace, the prohibition of fishing on Sunday, &c., have been omitted.

Reign.	Year and Reference in Scots Acts, 3 vol. ed.		Year and Reference in Thomson's Acts.		Title of Act.
		VOL. P.		VOL. P.	
..	..	..	Ass. Reg. W.	i. 374	The assise of wataris.
..	..	..	Frag. Coll. c. 26.	i. 752	Defensio Aquarium.
ROBERT I.	..	..	1318, c. 11	i. 469	Of fyschen in watteris.
ROBERT III.	..	..	1400,	i. 576	(Forbidden time—penalties.)
JAMES I.	1424, c. 10	i. 3	1424, c. 11	ii. 5	Of slaying of salmond in forbidden time.
"	1424, c. 11	i. 3	1424, c. 12	ii. 5	Of cruves, zaires, and Satterdaies slop.
"	1424, c. 35	i. 9	1424, c. 12	ii. 7	Anent the time within the quhilk salmound suld nocht be slaine.
"	Not printed.	..	1427, c. 6	ii. 16	Of cruves and waters.
"	1429, c. 131	i. 40	1430, c. 22	ii. 19	Salmond fishing is forbidden except in Solway and Tweede.
JAMES II.	1449, c. 9	i. 53	1449, c. 1	ii. 33	The punishment of the slaughter of salmond.
"	1457, c. 85	i. 84	1457, c. 33	ii. 51	The slaughter of redde fish in forbidden time and paine thereof.
"	1457, c. 86	i. 84	1457, c. 34	ii. 51	That nane set creilles in waters.
JAMES III.	1469, c. 37	i. 106	1469, c. 13	ii. 96	Of fish, salmond, grisilles, trowtes, and nettes in waters
"	1477, c. 73	i. 121	1478, c. 6	ii. 119	Anent cruves.

Reign.	Year and Reference in Scots Acts, 3 vol. ed.		Year and Reference in Thomson's Acts.		Title of Act.
		VOL. P.		VOL. P.	
JAMES IV.	Not printed.	..	1488, c. 16	ii. 211	Anent cruves.
"	1489, c. 15	i. 153	1489, c. 16	ii. 221	Anent cruves and fish-zaires—of the mid-streame—the Better- dales slop—creilles and nettes —readfish.
"	1503, c. 72	i. 182	1503, c. 16	ii. 242	Of slauchter of redde fishe or kipper.
JAMES V.	1535, c. 16	i. 206	1535, c. 16	ii. 345	Of read-fish, smoltes, and of slaying of salmond in for- bidden time.
"	1535, c. 17	i. 206	1535, c. 17	ii. 345	Of cruves and zaires.
MARY	1563, c. 68	i. 318	1563, c. 3	ii. 537	Anent cruves and zairs.
JAMES VI.	1567, c. 80	i. 375	1567, c. 38	iii. 34	Anent black fish—cutting of greene-wood—and slauchter of smoltes.
"	1579, c. 89	i. 432	1579, c. 27	iii. 147	Anent the destruction of cruves and zaires, slauchter of reid fish and smoltes be wandes or otherwise.
"	1581, c. 111	i. 454	1581, c. 15	iii. 217	For execution of the Acts maid anent casting downe and halding downe of cruves and zaires and punishment of the transgressoures theirof, slauchter of reid fische, and fry of all fische.
"	1594, c. 224	i. 707	1594, c. 34	iv. 70	For execution of the Acts anent the slauchter of black and red fish, and fry of sal- mond.
"	1597, c. 265	i. 736	1597, c. 32	iv. 138	Of slayers of read fish, smoltes, frie, and salmond in forbid- den time.
"	1600, c. 11	i. 771	1600, c. 20	iv. 230	Slaying of salmond in forbid- den tyme to be ane cryme of thift in tyme comming.
"	1606, c. 5	i. 805	1606, c. 4	iv. 285	Act anent the rivers of Tweid and Annand.
"	1606, c. 13	i. 813	1606, c. 12	iv. 287	Anent laying of lint in lochs.
CHARLES II.	Not printed.	..	1661, c. 320	vii. 292	Act anent cruves, &c., upon fresh waters in forbidden time.
"	"	..	1669, c. 114	viii. 359	Act anent the tyme of fishing in the rivers of Dea, Don, Spey, Findorne, Ithan, &c.

Reign.	Year and Reference in Scots Acts, 3 vol. ed.		Year and Reference in Thomson's Acts.		Title of Act.
		VOL. P.		VOL. P.	
CHARLES II.	Not printed.	..	1681, c. 101	vii. 655	Anent the salmon-fishing in the water of Nith.
JAMES VII.	1685, c. 20	iii. 30	1685, c. 24	viii. 474	Act for preserving game.
WILLIAM AND MARY	1696, c. 33	iii. 510	1696, c. 35	x. 76	Act against killers of black-fish and destroyers of the fry and smolts of salmon.
"	1698, c. 3	iii. 534	1698, c. 3	x. 149	Act against pock-net-fishing upon the water of Forth.
ANNE	1705, c. 2	iii. 691	1705, c. 48	xi. 292	Act for advancing and establishing the fishing-trade in and about this Kingdom.

XII.—TABLE OF THE MODERN SPECIAL OR LOCAL ACTS RELATING TO SALMON AND SALMON FISHING.

1. THE TWEED.

20 & 21 *Victoria*, c. 148.—An Act to consolidate and amend the Acts for the more effectual preservation and increase of salmon, and the regulation of the fisheries in the River Tweed—17th August 1857. (*Short title*—The Tweed Fisheries Act, 1857.)

22 & 23 *Victoria*, c. 70.—An Act to amend "The Tweed Fisheries Act, 1857" and to alter the annual close times in the River Tweed—1st August 1859. (*Short title*—The Tweed Fisheries Amendment Act, 1859.)

[The following sections of the General Acts specially apply to the Tweed:

§§ 10, 12, 27, and 34 of 25 & 26 *Vict.* c. 97; § 4 of 26 & 27 *Vict.* c. 50; and §§ 13, 18, 20, 33, and 41 of 31 & 32 *Vict.* c. 123.

The Exportation Acts apply to the Tweed as they do to all the salmon rivers of the United Kingdom.]

2. THE TAY.

21 & 22 *Victoria*, c. 26.—An Act to regulate the annual close time for Salmon Fisheries in the River Tay and its tributaries, and on the sea-coast adjoining—14th June 1858. (*Short title*—The Tay Fisheries Act, 1858.)

[May be held as superseded by the General Acts of 1862 and 1868.]

3. THE SOLWAY FIRTH AND TRIBUTARIES.

44 *George III. c. 45.*—An Act for the better regulating and improving the fisheries in the arm of the sea between the County of Cumberland and the Counties of Dumfries and Wigtown and the Stewartry of Kirkcudbright, and also the fisheries in the several streams and waters which run into or communicate with the said arm of the sea—5th June 1804.

40 & 41 *Victoria, c. 240.*—An Act to make certain provisions in regard to the salmon fisheries in the Solway Firth and its affluents—14th August 1877. (*Short title*—Solway Salmon Fisheries Commissioners (Scotland) Act, 1877.)

[For complicated state of the Solway laws, including the Annan and the Esk, see Report by Mr Archibald Young, Inspector for Salmon Fisheries for Scotland, on the Salmon Rivers falling into the Solway Firth, contained in Appendix to Second Annual Report of the Fishery Board for Scotland, for the year ended 31st December 1883.]

4. THE ANNAN.

4 *Victoria, c. 18.*—An Act for the more effectual preservation and improvement of the fisheries in the River Annan in the County of Dumfries, and in the streams and waters running into the same, and on the shores or sea-coast adjacent to the mouth or entrance to the said river—10th May 1841.

[See immediately preceding note.]

5. THE ESK.

24 & 25 *Victoria, c. 109.*—An Act to amend the laws relating to fisheries of salmon in England—6th Aug. 1861. (*Short title*—The Salmon Fishery Act, 1861.)

28 & 29 *Victoria, c. 121.*—An Act to amend the Salmon Fishery Act, 1861—5th July 1865. (*Short title*—The Salmon Fishery Act, 1865.)

[The 63d sec. of the second Act above noted provides that the Esk and tributaries shall be deemed to be within the limits of the English Salmon Fishery Acts of 1861 and 1865; and further, that offences committed within Scotch jurisdiction shall be prosecuted under the Salmon Fishery (Scotland) Act, 1862.]

XIII.—TABLE OF SALMON-FISHING SEASONS IN SCOTLAND,—1886.

Note.—The dates given are inclusive in all cases.

Rivers.	Nets.	Rods.
Thurso	Feb. 11 to Aug. 26.	Jan. 11 to Sept. 14.
Borgie, Halladale, Hope, Naver, and Strathly .	Feb. 11 to Aug. 26.	Jan. 12 to Sept. 10.
The Shetland Islands	Feb. 25 to Sept. 9.	Feb. 1 to Nov. 15.
Tweed	Feb. 15 to Sept. 14.	Feb. 1 to Nov. 30.

Rivers.	Nets.	Rods.
Esk (Dumfriesshire)	Feb. 2 to Aug. 31.	Feb. 2 to Nov. 1.
Tay	Feb. 5 to Aug. 20.	Feb. 5 to Oct. 10.
Earn	Feb. 5 to Aug. 20.	Feb. 5 to Oct. 31.
Findhorn	Feb. 11 to Aug. 26.	Feb. 11 to Oct. 10.
Beaully, Dunbeath, Forth, Lossie, Nairn, Ness, and Spey. }	Feb. 11 to Aug. 26.	Feb. 11 to Oct. 15.
Aline, Alness, Applecross, Arnisdale (Loch Hourn), Awe, Aylort, Ayr, Baa, Badachro, and Kerry (Gairloch), Balgay, Berriedale, Bladenoch, Broom (Loch Broom), Brora, Carron, Clyde, Conon, Cree, Creed or Stornoway, Creran (Loch Creran), Crowe and Shiel (Loch Duich), Dee (Aberdeenshire), Dee (Kirkcudbright), Deveron, Dionard or Grudie (Kyle of Durness), Don, Doon, Euchar, Ewe, Feochan, Forss, Glenelg, Gour, Greiss, Gruinard, Gruinard (Little), Helmsdale, Inchard, Inver, Kennart, Kilchoan or Inverie (Loch Nevis), Kyle of Sutherland, Kinloch (Kyle of Tongue), Kishorn, Kirkaig, Laxford, Leven (Argyllshire), Leven (Dumbartonshire), Lochy, Lussa, Moidart, Morar, Ormsary (Loch Killisport), Pennygown or Glenforsa, Polla, Resort, Sanda, Scaddle, Shiel (Loch Shiel), Shieldag, Sligachan, Snizort, Strathbog, Torridon, Ullapool (Loch Broom), and Wick. }	Feb. 11 to Aug. 26.	Feb. 11 to Oct. 31.
Drummachloy or Glenmore (Isle of Bute).	Feb. 16 to Aug. 31.	Feb. 16 to Oct. 15.
Add, Aray (Loch Fyne), Eckaig, North Esk, South Esk, Fyne (Loch Fyne), Ruel and Shira (Loch Fyne). }	Feb. 16 to Aug. 31.	Feb. 16 to Oct. 31.
Aven-nan-Geren (East Harris), Ballinachist (West Harris), Bervie, Borve (West Harris), Carradale (Cantyre), Clayburn (East Harris), Fincastle (West Harris), Finnis-Bay (East Harris), Fleet (Kirkcudbright), Fleet (Sutherlandshire), Garnock, Girvan, Horasary (North Uist), Howmore (South Uist), Inner (Jura), Iorsa (Arran), Irvine, Laggan (Islay), Loch-na-Ciste (North Uist), Luce, Mawrig (East Harris), Meaveg (West Harris), Mullanageren (North Uist), North Lacastile (East Harris), Obb (West Harris), Lacalladale (East Harris), South Lacastile (West Harris), Strathgravat (East Harris), Ugie, and Ythan, also the Orkney Islands. }	Feb. 25 to Sept. 9.	Feb. 25 to Oct. 31.
Annan and Nith	Feb. 25 to Sept. 9.	Feb. 25 to Nov. 14.
Urr	Feb. 25 to Sept. 9.	Feb. 25 to Nov. 30.

XIV.—TABLE OF SALMON-FISHERY DISTRICTS IN SCOTLAND WHICH HAVE BOARDS, WITH THE NAMES OF CHAIRMEN AND CLERKS (INCLUDING THE TWEED COMMISSION AND DUMFRIESSHIRE ESK ASSOCIATION),—1886.

DISTRICT.	CHAIRMAN OF BOARD.	CLERK OF BOARD.
ANNAN . . .	{ John Symons, Writer, Dumfries, mandatory for W. D. Mackenzie of Newbie	{ J. F. Cormack, Writer, Lockerbie.
AWE . . .	{ Marquis of Breadalbane	{ Alex. MacArthur, Solicitor, Oban.
CONON . . .	{ T. Dawson Brodie, W.S. Commissioner for Major J. A. F. H. Stewart Mackenzie of Seaforth	{ Wm. Mackenzie, Solicitor, Dingwall.
CREE . . .	{ James Drew, Doonhill, Newton-Stewart	{ A. B. Matthews, Writer, Newton-Stewart.
DEE (Kirkcudbright)	{ H. G. Murray Stewart of Broughton	{ W. Nicholson, Sheriff-Clerk's Office, Kirkcudbright.
DEE (Aberdeenshire)	{ Lord Provost James Matthews	{ Messrs Reid & Wilsone, Union Street, West, Aberdeen.
DEVERON . . .	Earl of Fife . . .	{ W. Coutts, Solicitor, Banff.
DON . . .	{ Alexander Cochran, Advocate, Aberdeen	{ Messrs Reid & Wilsone, Union Street, West, Aberdeen.
ESK, NORTH . .	{ Hercules Scott of Brotherton, mandatory for A. D. Fordyce of Brucklay	{ Arthur Dickson, Solicitor, Montrose.
ESK, SOUTH . . .	W. Douglas Johnston	{ Messrs Shiell & Don, Writers, Breachin.
FINDHORN . . .	{ J. Stephens Blackett, Raith, Kirkcaldy, Commissioner for Ronald C. Monro Ferguson of Raith and Novar	{ W. Grant, National Bank Buildings, Forres.

DISTRICT.	CHAIRMAN OF BOARD.	CLERK OF BOARD.
FORTH	{ Crown largest proprietor, no Chairman appointed	Thomas L. Galbraith, Town-Clerk, Stirling.
GIRVAN	Earl of Stair	{ Wm. Murray, Solicitor, Girvan.
KYLE OF SUTHERLAND	{ Sir Charles H. A. F. Ross, Bart. of Balnagowan	{ John Leslie, Solicitor, Dornoch.
LOCHY	Lord Abinger	{ N. B. Mackenzie, Writer, Fort-William.
NAIRN	Brodie of Brodie	{ H. T. Donaldson, Banker, Nairn.
NESS	{ D. M. Ross of Cromarty	{ Andrew Macdonald, Solicitor, 51 Church Street, Inverness.
NITH	{ General Johnston of Carnsalloch	{ C. Stuart Phyn, Solicitor, Dumfries.
SPEY	{ Duke of Richmond and Gordon	{ Messrs Cooper & Wink, 54 High Street, Elgin.
SUTHERLAND— (1) <i>East Coast.</i> Helmsdale Brora Fleet	{ Duke of Sutherland	{ Donald M'Lean, Rhives, Golspie.
(2) <i>West Coast.</i> Kirkraig Inver Laxford Inchard	{ Duke of Sutherland	{ E. M'Iver, Scourie, Lairg.
(3) <i>North Coast.</i> Dionard Hope Polla Kinloch Borgie Naver Strathy Halladale	{ Duke of Sutherland	{ John Box, House of Tongue, Lairg.

DISTRICT.	CHAIRMAN OF BOARD.	CLERK OF BOARD.
TAY {	E. A. Stuart Gray of Gray and Kinfauns	{ Messrs M'Kenzie & Dickson, Writers, Perth.
UGIE {	Lieut.-Col. George A. Ferguson of Pitfour	{ Wm. Boyd, F.R.S.E. Peterhead.
URR {	John G. Mackie of Auchencairn	{ Wm. Nicholson, Sheriff-Clerk's Office, Kirkcudbright.
YTHAN {	Earl of Errol . . .	{ Patrick H. Chalmers, 13 Union Terrace, Aberdeen.
TWEED {	Duke of Roxburghe, Chairman of Tweed Commission	{ James Tait, W.S., Kelso.
ESK (Dumfriesshire) {	Duke of Buccleuch, President of Esk and Liddle Fisheries Association	{ R. M'George, Solicitor, Langholm.

XV.—FISHERY BOARD FOR SCOTLAND.

(Established 1882 under 45 & 46 Victoria, c. 78.)

Offices.—101 GEORGE STREET, EDINBURGH.

Members of Board.—Sir Thomas J. Boyd, F.R.S.E., *Chairman*; John Guthrie Smith, Sheriff of Aberdeen, Kincardine, and Banff, *Deputy Chairman*; George H. Thoms, Sheriff of Caithness, Orkney, and Shetland; Alexander Forbes Irvine, Sheriff of Argyll; Sir James R. Gibson-Maitland, Bart.; Stephen Williamson; Professor Cossar Ewart, M.D.; James Maxtone Graham; James Johnstone Grieve.

Secretary.—Dugald Graham.

Chief Clerk.—James Wilson.

Clerks.—John Henderson, W. C. Robertson, and John T. Mack.

Messenger.—William A. Cowe.

Inspector of Salmon Fisheries.—Archibald Young, Advocate.

Inspector of Herring Fisheries.—George Reiach, Leith.

Assistant Inspector of Herring Fisheries.—James Low, Greenock.

Commander of "Vigilant" Cruiser.—Alexander M'Donald.

Engineers for Building Piers or Quays.—D. & T. Stevenson, C.E.

XVI.—OFFICIAL REPORTS RELATING TO THE SALMON FISHERIES OF SCOTLAND,—1824-1885.

1. Report from the Select Committee appointed to take into consideration the state of the Salmon Fisheries of Scotland, and of the United Kingdom, and the laws affecting the same. 17th June 1824.

2. Report from same Select Committee. 30th March 1825.

3. Second Report from same Select Committee. 3d June 1825.

4. Report from the Select Committee appointed to consider the state of the Salmon Fisheries in Scotland in as far as relates to the altering the close times in different districts in that part of the United Kingdom; the laws for the observance of the Saturday's slap or opening in all cruives, engines, machines, or devices of whatever description used in salmon fishing; the construction and regulation of cruives; the regulation of mill leads or courses; and the removal of dams and obstructions in all rivers, streams, or waters. 30th June 1836.

5. Report from the Select Committee of the House of Lords appointed to inquire whether, having regard to the rights of property of the Crown and individuals in salmon fishings on the sea-coasts and in rivers and estuaries in Scotland, it is just and expedient that any and what legislation should take place for the regulation of such fishings, so far as regards the use or prohibition of bag-nets, stake-nets, cruives, and other fixed nets and engines, and so far as regards close times or otherwise. 4th July 1860.

6. Report of the Special Commissioners appointed to inquire into the effect of recent legislation on the Salmon Fisheries in Scotland, by Frank Buckland, M.A., Inspector of Salmon Fisheries for England and Wales, and Archibald Young, Advocate, Commissioner of Scotch Salmon Fisheries. July 1871.

7. Report by the Special Commissioners appointed to inquire into the operation of the Tweed Fisheries Acts, by Spencer Walpole, Inspector of Salmon Fisheries for England and Wales, and Archibald Young, Advocate, Commissioner of Scotch Salmon Fisheries. 1875.

8. Report on the Disease which has recently prevailed among the Salmon in the Tweed, Eden, and other Rivers in England and Scotland, by Frank Buckland and Spencer Walpole, Esqs., Inspectors of Fisheries for England and Wales, and Archibald Young, Esq., Advocate, Commissioner of Scotch Salmon Fisheries. 2d August 1880.

9. Report on the Laws affecting the Salmon Fisheries of the Solway Firth, by Spencer Walpole, Esq., Inspector of Fisheries for England and Wales, and Archibald Young, Esq., Advocate, Commissioner of Scotch Salmon Fisheries. 30th November 1880.

10. First Annual Report of the Fishery Board for Scotland, for the year ended 31st December 1882, including First Report to the Board on the Salmon Rivers on the East Coast of Scotland, from the Forth to the Kyle of Sutherland, both inclusive, by Archibald Young, Esq., Advocate, Inspector of Salmon Fisheries. 4th July 1883.

11. Second Annual Report of the Fishery Board for Scotland, for the year ended 31st December 1883, including Second Report to the Board by Archibald Young, Advocate, Inspector of Salmon Fisheries for Scotland, containing the Salmon Rivers falling into the Scottish side of the Solway Firth and the Salmon Rivers of Ayrshire, with Map. 2d June 1884.

12. Third Annual Report of the Fishery Board for Scotland, for the year ended 31st December 1884, including Third Annual Report to the Board by Archibald Young, Advocate, Inspector of Salmon Fisheries for Scotland, comprehending the Salmon Rivers in the counties of Sutherland, Caithness, Ross and Cromarty, Inverness, Argyll, and Dumbarton, with a Map showing the situation and size of all the Salmon Fishery Districts in Scotland, the Fishery Districts which have District Boards, and those which are without them, and the principal Natural Obstructions on the Salmon Rivers of Scotland. 1st May 1885.

**XVII.—CIRCULAR LETTER BY THE COMMISSIONERS OF
SCOTCH SALMON FISHERIES TO CLERKS OF DISTRICT
BOARDS,—13TH MAY 1872.**

EDINBURGH, 13th May 1872.

DEAR SIR,—The attention of the department of H.M. Woods and Forests has recently been directed to the subject of persons, without a legal title or licence from the Crown, fishing for salmon by drift or hang nets in the sea around the coast of Scotland, and some correspondence relative thereto has taken place between Mr Donald Beith, solicitor for H.M. Woods and Forests, and ourselves, as Commissioners of Scotch Salmon Fisheries, in the course of which we have received a copy of a letter addressed to Mr Beith by the Honourable

J. K. Howard, Commissioner of H.M. Woods and Forests, Whitehall, London, who has the management of the salmon fisheries belonging to the Crown in Scotland. The letter is dated 3d May 1872, and the following extract contains Mr Howard's opinion of the nature and extent of the rights of the Crown: "With reference to your letter of the 1st instant, and your telegram of yesterday respecting the trespasses by fishermen who are claiming the right to fish for salmon, without licence from the Crown, outside a limit of one mile from low-water mark, I am directed by Mr Howard to inform you that the invalidity of the claim appears so clear, that he does not think it necessary to trouble Crown counsel on the subject, unless and until proceedings against the trespassers become necessary. Mr Howard considers that the Crown's right is not limited either by one mile or three miles from low-water mark, and the latter limit is only adopted in Crown leases, in order that no question may arise under the Fishery Convention with the French Government."

Mr Beith wishes that publicity should be given to the views expressed by Mr Howard in the above-quoted letter, in order to put a stop to farther encroachments on the rights of the Crown; and he has accordingly requested us to communicate them to the Clerks of the various District Boards throughout Scotland.—We are, yours truly,

JAMES LESLIE,	} Commissioners of
H. GORDON CUMMING,	
ARCHD. YOUNG,	
	Scotch Salmon
	Fisheries.

Clerk to District Board.

XVIII.—CIRCULAR LETTER BY THE FISHERY BOARD FOR SCOTLAND TO SECRETARIES OF YACHT CLUBS, —31st MAY 1884.

FISHERY BOARD FOR SCOTLAND,
EDINBURGH, 31st May 1884.

SIR,—I am directed by the Fishery Board for Scotland to inform you that the Inspector of Salmon Fisheries has laid before the Board complaints from lessees of salmon fishings that yachtsmen, while cruising along the coasts of Scotland, and especially along the coasts of the western mainland and the Hebrides, are in the habit of using nets, and illegally taking salmon and sea-trout, within the limits from low-water mark over which the rights of the Crown and its grantees extend.

According to the law of Scotland, no one has a right to fish for salmon or sea-trout in the narrow or territorial seas—which are held by the best legal authorities to extend to three miles seawards from low-water mark—except the Crown and its grantees and those who have permission from them; and, by special statute (7 & 8 Vict. c. 95), it is provided that: “Whereas an Act was passed in the ninth year of the reign of His Majesty King George the Fourth, intituled, An Act for the preservation of the Salmon Fisheries in Scotland; and whereas it is expedient to prevent the destruction of salmon, or fish of the salmon kind, in the sea or shores thereof; and whereas doubts are entertained of the provisions of the said Act being applicable to the sea or sea-shore: Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: That if any person not having a legal right or permission from the proprietor of the salmon fishery, shall, from and after the passing of this Act, wilfully take, fish for, or attempt to take, or aid and assist in taking, fishing for, or attempting to take, in or from any river, stream, lake, water, estuary, frith, sea-loch, creek, bay, or shore of the sea, or in or upon any part of the sea, within one mile of low-water mark, in Scotland, any salmon, grilse, sea-trout, whiting, or other fish of the salmon kind, such person shall forfeit and pay a sum not less than *ten shillings* and not exceeding *five pounds*, for each and every such offence, and shall, if the sheriff or justices shall think proper, over and above, forfeit each and every fish so taken, and each and every boat, boat tackle, net, or other engine used in taking, fishing for, or attempting to take fish as aforesaid; and it shall be lawful for any person employed in the execution of this Act to seize and detain all fish so taken, and all boats, tackle, nets, and other engines so used, and to give information to the sheriff or any justice of the peace, and such sheriff or justice may give such orders concerning the immediate disposal of the same as may be necessary.”

The above statute has since been amended and made more stringent by the 25th section of “The Salmon Fisheries (Scotland) Act, 1868,” which provides that, “In order the better to carry out the provisions of the Act of the seventh and eighth years of her present Majesty, chapter ninety-five, it shall be lawful for any water-bailiff, constable, watcher, or officer of any district board, or any police officer, to search all boats, boat tackle, nets, or other engines, and all receptacles, whether at sea or on shore, which he or they may have reason to suspect may contain salmon captured in contravention of the said last-mentioned Act, and to seize all salmon found in the possession of persons not having a right to fish salmon, and the possession of such salmon shall be held *prima facie* evidence of the purpose of the possessor to contravene the provisions of the said last-mentioned Act.”

From the foregoing statement you will at once see, that all yachtsmen who have neither a title to salmon fishings nor permission from one who has a

title, but who, notwithstanding, fish for or take salmon, grilse, or sea-trout, in the narrow seas around the coast of Scotland, within the limits over which the rights of the Crown and its grantees extend, infringe the law and render themselves liable to prosecution and punishment.

The Fishery Board for Scotland, established by the Fishery Board (Scotland) Act, 1882, has now the general superintendence of the Salmon Fisheries in Scotland, and I am instructed to request that you will be so good as to take an early opportunity of bringing this matter prominently under the special notice of the members of your Club.—I am, your obedient servant,

DUGALD GRAHAM, *Secretary.*

Secretary of _____ *Yacht Club.*

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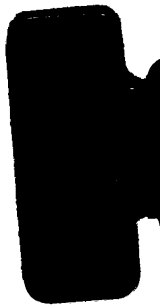
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